

Julius L. Stephenson, Everton.
Eustace A. Davis, Hatfield.
Charlotte A. Proctor, Hazen.
Barney L. Castleberry, Leslie.
Warren P. Downing, Weiner.

CONNECTICUT

Louis J. A. Stefon, Baltic.
George A. Sullivan, Guilford.
Louise L. MacDonald, Riverside.

IDAHO

Elmer H. Snyder, Filer.

KANSAS

Frank E. George, Altamont.
Jemima Hill, Arma.
Chester M. Cellar, Burlington.
Thomas G. Riggs, Burns.
Harry Morris, Garnett.
Ethel White, Merriam.
Anna Smith, Moundridge.
Myron Johnson, Oakley.
William M. McDannald, Peru.
C. Harold Keiter, Scammon.
Josie B. Stewart, Sylvan Grove.
Elra L. Robison, Walnut.

LOUISIANA

Lula L. Trott, Ringgold.
Dudley V. Wigner, Vidalia.

MISSISSIPPI

Cornelius V. Thurmond, Mound Bayou.

NEW YORK

Harry F. Kuss, Babylon.
Walter H. Estes, Ballston Spa.
Will J. Davy, Bergen.
Edith M. Phelps, Brownville.
Ward A. Jones, Canajoharie.
Stephen E. Terwilliger, Candor.
John J. Finnerty, Croton on Hudson.
Sidney B. Cloyes, Earlville.
Everett W. Pope, Hartwick.
J. Fred Smith, Herkimer.
Clara E. Craig, Hewlett.
Lorenz D. Brown, Jamaica.
Julia J. Tyler, Kennedy.
William J. Thornton, Long Island City.
Charles A. Stalker, Macedon.
Earl G. Fisher, Massena.
Earle U. McCarthy, Mineola.
Erastus J. Wilkins, Norwood.
Charles H. Brown, Orchard Park.
Mary Mullin, Phoenix.
Benjamin C. Stubbs, Plandome.
Clarence A. Lockwood, Schroon Lake.
Anna E. McHugh, Seaford.
Myron J. Kipp, Sidney.
Clarence Smith, Syosset.
Frederick C. Simmons, Waverly.
Verne B. Card, Westfield.
LeRoy Smith, White Plains.
Harry A. Jeffords, Whitney Point.
Norman M. Misner, Woodbourne.
Albert C. Bogert, Yonkers.

OHIO

Carl E. Richardson, Baltic.
Howard E. Foster, Chagrin Falls.
Rollo J. Hopkins, Edgerton.
Edward C. Bunker, Lewisburg.
Michael J. Meek, McDonald.
Reinhard H. Curdes, Napoleon.
Louise Lovett, Wickliffe.

OREGON

Arley A. Sollinger, Canyon City.
Edward J. Dear, Clatskanie.

Charles E. Lake, St. Helens.
George W. Epley, Sheridan.

VERMONT

Elizabeth L. Thomas, Enosburg Falls.

REJECTION

Executive nomination rejected by the Senate March 23, 1932

UNITED STATES ATTORNEY

Charles A. Jonas to be United States attorney, western district of North Carolina.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 23, 1932

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the revelation of eternal love, may we seek constantly to be filled with Thy spirit, using our position, our influence, and our knowledge to soften the sorrows and lighten the burdens of our people. Thus we shall hasten society on to the better days. Thou Christ, with whom everlasting truth doth prevail, unto whom the winds were obedient as Thy holy feet pressed the turbulent surface of the darkened waters, do Thou ripen our judgment and bring us into the clearest and fullest light of Thy wisdom. So direct us that Thou canst give solemn and tremendous sanction to our conclusions. Make our associations helpful; lift them to a plane of brotherly fellowship and cooperation. Merciful God, we pray that the call of our Nation may be our creed and allow nothing whatsoever to lull the needs of the land into the shades of neglect or defeat. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to bills of the Senate of the following titles:

S. 3282. An act to extend the times for commencing and completing the construction of a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland; and

S. 3409. An act authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Wichita Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita Indians and affiliated bands.

EXTENSION OF REMARKS

Mr. RUDD. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a letter received from the American Federation of Labor.

Mr. UNDERHILL. I object, Mr. Speaker.

HON. GILBERT N. HAUGEN

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, I desire to call the attention of the House and of the country to the fact that we have with us a man who, to-day, completes 33 years and 20 days of continuous service in the House of Representatives.

If I mistake not, this is the longest period of continuous service that any person has ever been privileged to serve in this House. I refer to that grandest old Roman of them all, everybody's friend, GILBERT N. HAUGEN, of Iowa. [Applause, the Members rising.]

Mr. Speaker, may I add that during all these years Mr. HAUGEN has always stood foursquare to every political wind

that has blown. He has not only rendered able, honest, and efficient service to his district but he has rendered patriotic service to his Government. I know I speak the voice of both his Republican and Democratic colleagues when I extend to him our heartiest congratulations on his long and useful service. I want the people of his district and the State of Iowa to know that he has the affection and respect of all his colleagues here in the House, and we hope his life may be spared for another 33 years and that he may be with us and continue his efficient and useful service here. [Applause.]

PERSONAL PRIVILEGE

Mr. LA GUARDIA. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. LA GUARDIA. Mr. Speaker, a newspaper published in the city of Chicago known as the Chicago Daily Tribune on Monday, March 21, 1932, made this libelous and willfully malicious statement concerning me as a Member of this House.

LA GUARDIA, who is alien in mind and spirit from Americanism, who has no loyalty to our form of Government, and shows every indication that he is willing to destroy it.

On this I ask recognition, Mr. Speaker.

The SPEAKER. The Chair thinks the gentleman has clearly stated a question of personal privilege. The Chair has looked up the precedents and there are a number of instances not as strong as the one here presented which were held by Mr. Speaker Clark and Mr. Speaker Longworth to be questions of personal privilege.

The gentleman from New York is recognized for one hour.

Mr. LA GUARDIA. Mr. Speaker, there are only two things that a poor man has in this country. They are his honor and his love and loyalty to his country. [Applause.]

It is certainly stooping pretty low when a newspaper, because of difference of opinion, honest difference of opinion, will make such a cowardly attack on a Member of the House.

The writer of this article no doubt wrote it under instructions, and the purpose is manifest. The Chicago Tribune, apparently, disagrees with my views on maintaining a policy of taxation which this Congress has adopted of a progressive, graduated tax on incomes and disagrees with me in my efforts to prevent any system of taxation which will put a greater burden on the great masses of the American people in order to relieve a favored, privileged minority. They have a right to differ. They have no right to impugn my Americanism or attack my loyalty to my country.

Gentlemen, I believe in the freedom of the press. I believe in free speech. I have gone the limit in my official life to defend these institutions. I am often, and naturally, attacked and criticized and very often misrepresented because of the active attitude I take on many issues in this House. I do not complain. I realize it is part of our public life, but I do resent, and I protest an attack of this kind, inspired to create passion and prejudice and animosity in order to becloud the real issue, that of taxation, before the House.

I am sure there is not a man on the floor of this House who happens to disagree with me or who has taken a different attitude from me on this tax question who would not resent an attack of this kind. [Applause.] Has this newspaper no arguments to present to support their contention, whatever it may be? Is it necessary to jeopardize the standing of a Member on the floor of the House by such an unjustifiable attack? The writer of that article must have known the charge was false when he wrote it.

This paper owns a newspaper in my city, under different management, but it is owned by the same interest. That paper criticized me editorially Sunday. It misrepresented me to a certain extent, but the editorial, the attack or the criticism, was within bounds. It was entirely proper from their viewpoint. I did not like the editorial, it was hardly fair. I have no criticism to make of that. It is part of the game. In the case of the Chicago Tribune, it is apparent

they could find nothing else, except perhaps the two vowels in the ending of my name, and they hit on the idea expressed in the article—made this cowardly attack.

Gentlemen, there are certain things that even a Member of Congress can not submit to, and this is one of them. I am not going to take the time of the House to-day, because of the calendar situation. I am not going at this time into the reasons for my attitude on the tax bill, because to do that now would not be proper. I will defend my position on that in the course of the consideration of the bill. I do want to say to Mr. Chicago Tribune that I will compare my standing in my community with the standing of the alleged influential Chicago Tribune in the city of Chicago. [Applause.]

THE SALES TAX

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to insert in the RECORD a copy of a speech that I made over the radio last night on taxation.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address over the Dixie network of the Columbia Broadcasting System by myself on the sales-tax feature of the current revenue bill:

I have been invited to talk to you to-night about the sales-tax proposal contained in the pending revenue bill now under consideration by the House of Representatives. It is probably unnecessary for me to say that I am now, and have been, against the sales tax during my entire public career."

The first and chief reason why I oppose the sales tax is that it is contrary to or sins against every sound principle of taxation; it is a tax on consumption, a tax on what we spend for the necessities of life, it is a tax imposed without any regard or consideration whatever for the principle of ability to pay. One of the chief reasons I have always been a Democrat is because of the traditional theory of that party that taxes should be levied in accordance with this principle.

So far as I am informed, no Democratic convention, either State or National, has ever declared in its platform for a sales tax. The last Democratic convention speaking on this subject was that in 1924, which said:

"We oppose the so-called nuisance taxes, sales taxes, and all other forms of taxation that unfairly shift to the consumer the burdens of taxation."

Upon that declaration I stood then, I stand now, and shall always stand.

But opposition to the sales tax is not confined to Democrats. It has been opposed by many able and patriotic Republicans, as well as most of the great economists of the present and the past. John Sherman, a great Senator from Ohio and Republican Secretary of the Treasury, declared a sales tax to be not only the most oppressive but the most indefensible form of taxation.

Prof. E. R. A. Seligman, professor of political economy at Columbia University, one of the most noted economists of the day, declared that a sales tax is violative of every sound principle of taxation.

John Stuart Mill, in his noted work, Principles of Political Economy, said on taxation:

"The subjects of every state ought to contribute to the support of the government as nearly as possible in proportion to their respective abilities to pay."

That has been the Democratic Party's theory of taxation from the time it was founded by Thomas Jefferson; it was in harmony with that principle that the Democratic Party took the lead in and finally succeeded in having the Federal Constitution amended so that an income tax might be levied. It is no longer disputed, unless it be by some one who is not sufficiently patriotic to be willing to carry his share of the expenses of government, that the income tax is the fairest, soundest, and most equitable form of taxation developed in the history of government. A sales tax is in contravention of every principle of the income tax.

Economists estimate that 13 per cent of the people of the United States own 90 per cent of the total wealth of the country. Under the theory of taxation, according to ability to pay, these 13 per cent of the people should pay 90 per cent of the taxes. But under a sales tax the reverse would be the case, for basing the tax exclusively on consumption, as a sales tax would do, these 13 per cent of the people who own 90 per cent of the total wealth would pay only 13 per cent of the tax, while the 87 per cent of the people who represent 87 per cent of the consuming power of the total population would pay 87 per cent of the tax, although they only owned 10 per cent of the total wealth of the Nation.

The sales tax now under consideration by Congress is in almost its worst form, as it exempts only a portion of the food we consume and levies a tax on everything else incident to life from its beginning to its close. It is also a tax on education, upon transportation, upon the arts and sciences, upon amusements and diversions.

Take the case of the average man, with an average family and a modest salary, say, of \$2,000 per year. Of course, substantially everything he earns goes for the necessities of life, and frequently that salary is insufficient to meet what appears to be requirements incident to the support and upkeep of his family—for education, medical expenses, and so forth. Under the sales tax he would pay on his entire income.

Set opposite this the case of a man with an income of a million dollars a year—and there are many such men even in these times of depression and want. He does not spend even a large fraction of his income for the necessities of life, but let us be liberal about it and say he spends \$100,000 a year; he would spend one-tenth of his income, and under the sales-tax plan would pay taxes on one-tenth of his income. May I ask which can best afford to contribute to the support of this Government? The man who spends all of his \$2,000, and that in the most frugal way, or the man with an income of a million dollars who would pay a tax on but one-tenth of his income and possibly invest the balance in tax-exempt securities?

I submit that in these terribly hard times, when banks are failing by the hundreds and mortgages being foreclosed by the thousands, when eight or ten million are out of employment and can not get enough money with which to buy bread, when homes are being sold for taxes, this is no time to increase the suffering and misery of our people by heaping additional tax burdens upon the poor and middle classes.

Most of those who are now advocating the adoption of the sales tax apologize for it and justify their action by saying we are facing an emergency that makes this additional tax necessary in order to preserve the credit of the Federal Government. I contend, however, that the facts do not warrant this conclusion, though I maintain that the Government's credit must be protected and preserved. The first step, however, in this direction, and the first thing that should be done toward balancing the Federal Budget is to cut Federal expenditures drastically.

The Democratic-controlled Appropriations Committee of the House has made a splendid record in this direction. With four major appropriation bills yet to be reported out, it has reduced appropriations for the fiscal year 1933 under those of 1932 by nearly \$500,000,000, and appropriation bills yet to be acted upon will increase this figure, I am confident, to more than a half billion dollars. Not only that, the committee has already cut appropriations under the Budget recommendations of the President for 1933 by \$115,000,000, and will increase this cut to not less than \$150,000,000. But we have just started. Other economies should and will be effected.

When we add to these savings the additional sums that can be obtained through higher income-tax rates in the upper brackets, affecting those with incomes of \$100,000 or more per year, and when we increase the inheritance-tax rate and impose a gift tax, we will be pretty close to the goal of a balanced Budget—so near that I have small doubt that with needed stop-gaps in the Treasury Department to prevent tax evasions, and with some justifiable nonburdensome luxury taxes, we will be able to balance the Budget of the Federal Government in a reasonable time, and do it without the necessity of imposing a sales tax which, to my mind, can only be justified in a period of very great national stress, as, for instance, in times of war.

Not even in the grave emergency of the late World War, when we wrote a war revenue bill under the leadership of Woodrow Wilson, of William G. McAdoo, and the two great North Carolina legislators, Senator F. M. Simmons, and Claude Kitchin, did the situation become so serious that it became necessary to levy a general sales tax. Surely we have not arrived at so grave an emergency now.

We hear it said that unless the proposed sales tax is imposed in order to balance the Budget, the Government's credit will be seriously impaired, and that prices of bonds will fall to ruinous levels. I do not believe this is true, but rather that this is a threat from the great moneyed interests made in the effort to thrust the burden of taxation on the shoulders of those who are least able to pay in order to relieve those who are most able to pay.

If in this emergency wealth does not shoulder its share of the burden, then what has become of the patriotism of the wealthy class? Compare it with the noble and sacrificing patriotism of the millions of men who rallied to the defense of the Government in the late war, thousands of them giving even their lives as a sacrifice on their country's altar. Surely in this emergency wealth ought to offer itself now as the youth of our land did in that other period of sacrifice.

Moreover, it is within the power of the Government, without the imposition of any additional taxes, to get enough money already owing to it to go a long way toward balancing the Budget. In December, responding to an inquiry made by Representative McFADDEN, of Pennsylvania, Secretary Mellon advised that tax cases involving \$917,000,000 owing to the Government were tied up in cases before the Treasury Department. A little expedition in settling these cases would bring into the Treasury in a relatively short time some \$800,000,000 more money than is estimated to be raised by the pending sales-tax proposal.

Furthermore, I invite attention to the fact that in the last 10 years the Treasury Department has allowed in cash tax refunds, credits, and abatements more than \$3,500,000,000. Nobody believes that all of this money was erroneously collected or ought to have been all paid back, because about 80 per cent of it was collected more than a decade ago in war taxes to pay the cost of winning the war.

If the Treasury Department were not so generous in granting these huge tax refunds, we would not have these gaping holes in the Treasury which are being used to-day in an effort to frighten Congress into burdening the American people with a sales tax, which, I repeat, is an unjust and most burdensome tax, resting most heavily on those least able to pay it.

When we have collected the money rightly owing to the Government, when the Treasury Department quits giving back billions in refunds, and when we exhaust the resources to be reached by the income and inheritance taxes and by luxury taxes, and when we have cut out all unnecessary expenditures and applied the most rigid and drastic economy compatible with efficient Government, then will be the time to again consider the state of the Union and determine what further revision of our revenue system may be required.

The committee having this bill in charge, seeing certain defeat of the sales-tax provision, have offered some amendments in their desperate effort to prevent defeat; however, the vicious principle remains, also many of its burdensome features; hence it should and, I believe, will be defeated.

VIRGINIA

Mr. FISHBURNE. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. FISHBURNE. Mr. Speaker, ladies, and gentlemen, I desire to read to this House a recent editorial written by a distinguished author and orator, Claude G. Bowers, entitled "Virginia Shrines."

VIRGINIA SHRINES

By Claude G. Bowers

With the Washington celebration in full blast, and many Americans planning a sentimental and patriotic journey into Virginia, we make this suggestion for which we will be thanked. No motorist planning his journey should fail to include Charlottesville, for not only is there charm to that ancient southern town and hospitality and the best possible hotel accommodations, but there, too, are shrines at which all Americans should bow.

These shrines are associated with the intimate friends of Washington—men who with him, helped to make America and Americanism.

First of all is that incomparably beautiful home of Thomas Jefferson on the hilltop, Monticello, visited for a century and a half, not only because it was the home of the author of the Declaration of Independence and the philosopher of American Democracy, but because it is an architectural gem.

Down in the valley, and within sight of the home of Jefferson, the tourist may visit Ashlawn, the home of James Monroe, father of the Monroe doctrine. Jefferson designed the house to fit the financial means of his disciple, and Monroe chose the site so he could see the lights in his idol's mansion from his own window. A fine statue of Monroe soon will be unveiled there on the lawn.

The boxwood there is worth going hundreds of miles to see. And within easy distance of Charlottesville the motorist, on a sentimental journey, will want to see Montpelier, the stately home of James Madison, "Father of the Constitution." An ideal patriotic pilgrimage, this, to the homes and haunts of Washington, Jefferson, Madison, and Monroe.

Mr. Speaker, Virginians are justly proud of the many great men whose names have adorned the history of their State, and they are proud of the fact that the attention of the Nation is being called back to Virginia's shrines.

I shall undertake to make a statement before this House, which represents all the States of the Union, that I have made heretofore for Virginia consumption, a statement I believe historically true, and I ask you to weigh what I say. Three great Virginians did more toward the formation of this Government than any others in this Republic: George Washington made our Government possible; Thomas Jefferson made it popular; and John Marshall made it permanent.

The thirteen Colonies declared their independence of Great Britain in terms of the Declaration of Independence; they gained their independence under the military leadership of George Washington; they established the Government in a convention presided over by George Washington; and the first President of the Republic so established was George Washington, the one person in the new Republic whose transcendent fitness was unanimously recognized.

After George Washington the trend of the Government, however, was inclined toward monarchy, which was much feared by the body of the people; such fears were dissipated when Thomas Jefferson, the author of the Declaration of Independence and the Virginia Statute of Religious Free-

dom, identified with the great principles of Democracy, became the leader of the people, and restored confidence in the purposes of the new Government.

The followers of the republican ideals of Jefferson in their buoyancy and enthusiasm may well have threatened the stability of the Government had not John Marshall, jurist and statesman, Chief Justice of the Supreme Court of the United States of America, by his decisions stabilized the young government and created in that court a balance wheel for the new Republic.

I have the honor of representing the district in Virginia in which Charlottesville and Albemarle County are located. I was born and reared in the county of Albemarle under the very shadow of Monticello, the little mountain, where Thomas Jefferson, the patron saint of Democracy, had his home, and I am an alumnus of the University of Virginia, established by him. I am prouder still of being a member of the party founded by Thomas Jefferson, which alone of all American parties can boast an unbroken historic continuity for more than 100 years, and which will continue to exist in undiminished vigor as long as there is a response in the hearts of our people to the doctrines taught by Thomas Jefferson, whose own great heart was attuned to the "still sad music of humanity."

It has been said of Jefferson that he was—

A wise philosopher, a consummate diplomat, a prescient statesman, a daring crusader for liberty and toleration; he was one of the most accomplished gentlemen of his age. Artist, musician, architect, landscape gardener, lover of painting and sculpture, and a graceful writer; no other American statesman has approached him in versatility of talent. His artistic spirit lives in the exquisite beauty of Monticello and in the stately lines of the University of Virginia. His love of liberty and equal rights is written into the laws. His wisdom lives in his published letters and public papers, and his monument is the Republic of the fathers.

I want to recall to this House that the greatest orator, writer, and statesman of modern time, Woodrow Wilson, was an alumnus of Jefferson's university, and it is a striking reflection that the beau ideal of Woodrow Wilson was to make the world safe for Jeffersonian Democracy. [Applause.]

This is a Democratic year, and the Democrats have control of this House. Since I have been in this distinguished body, I have been voting with my Democratic brethren for measures which have originated in the opposition party, from a patriotic feeling that perhaps such measures might, to some extent, relieve the distress caused by the extravagance and misrule of Republican administrations. We have gone far, and I believe there are others beside myself who feel that perhaps we have gone too far, and we do not enjoy the unctuous commendations of a party that welcomes our efforts in behalf of measures introduced by them but treat with distrust and disdain measures which the Democratic Party advances.

In my humble judgment, the greatest question before the American people and the issue, if properly met, which will do most to benefit this country is the proper adjustment of the tariff. The day of infant industries has passed, our industries are no longer infants but lusty adults, and this Nation has become the great creditor nation of the world.

We have been supporting loyally measures originating in the White House. Is it too much to ask from the White House and the Republicans in Congress their loyal and generous support of a bill introduced in this House which asks for a reduction in the tariff walls and is designed to place this great creditor nation in the enviable position of being the great clearing house of the world? I say that we Democrats are beginning to feel that the doctrine of reciprocity is at least being neglected when we are asked to support Republican measures, and do support them, but Democratic measures are treated with disdain and contempt.

We are beginning to be suspicious of the candor of our Republican friends and feel like old Isaac of old when he exclaimed: "The voice is Jacob's, but the hands are the hands of Esau."

We are on the eve of a great election, and it may not be inappropriate to refer to the fact that Virginians may present to the country as a presidential candidate a man that the great writer and orator, whose editorial I have read you, described in a recent interview as follows:

What Harry Byrd needs more than anything else is a campaign of nation-wide publicity to acquaint the country with his truly extraordinary record as Governor of Virginia. The country as a whole is not aware of that record to the extent that it should be.

Harry Byrd is a man whose record, when properly publicized, would seize the imagination of the American people. He is one of the commanding figures in the Democratic Party, and he will certainly be elected if he is nominated.

Is it not possible that the hosts of Democracy may in this year of our Lord march to victory led by a Virginian, and the battle song of the marching millions be the inspiring song so beautifully rendered recently by our distinguished colleague, Carry Me Back to Old Virginny? [Applause.]

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees, and when the Committee on the Public Lands was reached:

Mr. EVANS of Montana. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill H. R. 8087, authorizing the Secretary of the Interior to vacate withdrawals of public lands under the reclamation law, with reservation of rights, ways, and easements.

Mr. JOHNSON of Washington. Mr. Speaker, pending that, I beg to suggest the absence of a quorum.

The SPEAKER. The gentleman from Washington makes the point that no quorum is present. The Chair will count. [After counting.] Seventy-one Members present—not a quorum.

Mr. EVANS of Montana. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms directed to notify absent Members, and the Clerk called the roll. The following Members failed to answer to their names:

[Roll No. 31]

Amlie	Davenport	Jenkins	Ramspeck
Bacharach	De Priest	Johnson, III.	Rayburn
Beam	Dickstein	Kelly, III.	Reid, III.
Beck	Disney	Kurtz	Rogers, N. H.
Bland	Doutrich	Lea	Sabath
Bloom	Free	Leibach	Schneider
Boland	Freeman	Lewis	Schuetz
Briggs	Gambrill	Linthicum	Selvig
Britten	Garber, Okla.	Ludlow	Stokes
Chapman	Golder	McClintic, Okla.	Strong, Pa.
Chase	Goldsborough	McGugin	Taylor, Colo.
Chindblom	Greenwood	McLaughlin	Tinkham
Clarke, N. Y.	Griffin	McSwain	Treadway
Collier	Hall, N. Dak.	Magrady	Tucker
Connery	Hancock, N. C.	Nelson, Me.	Watson
Cooper, Ohio	Hogg, W. Va.	Parker, N. Y.	White
Cox	Hull, William E.	Peavey	Wood, Ga.
Crisp	Igoe	Pratt, Harcourt J.	Wood, Ind.
Curry	Jacobsen	Purnell	Yates

The SPEAKER. Three hundred and fifty-five Members have answered to their names, a quorum is present.

Mr. EVANS of Montana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. EVANS of Montana. Mr. Speaker, I now call up the bill H. R. 8087.

Mr. ABERNETHY. Mr. Speaker, I have been seeking recognition to ask unanimous consent.

The SPEAKER. The gentleman from Montana has the floor and is in charge of the bill.

Mr. ABERNETHY. I am asking the gentleman from Montana if he will permit me to speak out of order for 10 minutes?

Mr. EVANS of Montana. I will yield to the gentleman from North Carolina.

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to speak for 10 minutes out of order.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to speak 10 minutes out of order. Is there objection?

There was no objection.

Mr. EVANS of Montana. Mr. Speaker, will the gentleman from North Carolina yield?

Mr. ABERNETHY. Yes.

Mr. EVANS of Montana. Mr. Speaker, I did not object to this request, but I serve notice now on the House that to any further requests during the day I shall object. This is Calendar Wednesday, and the Committee on Public Lands has the call. We will be called only once during the session. We have some important bills. One or two of the bills are controverted. It is very evident that it is the disposition of the House not to allow those controverted bills to go through. I hope we may proceed to take up matters about which there is no controversy and have them passed. Under these circumstances I shall object to any further unanimous-consent requests.

THE SALES TAX

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. ABERNETHY. Mr. Speaker, I hope the House will give me its respectful attention, because I am trying to perform what I believe is a real service to the country. I may not measure up to that. I dislike very much to appear in the position of a revolter against the regular Democratic organization, and I am not a revolter but only doing my duty as I see it. I have great respect and admiration and love and affection for the leadership of this House. That includes the Speaker, who I think is one of the greatest Americans in the country. That includes the very distinguished gentleman from Illinois, the majority leader, Mr. RAINEY, whom I love as I do my own father. [Laughter.] Do not laugh at that. My father is dead. When I speak the word "father" I speak it with a very great deal of reverence and respect. I would not let a man in this House harm a hair of HENRY RAINEY's head, and any man who undertakes to do that will have to answer to me for it. I do not want any more levity, because I am going to make you a serious speech, and when I get through I am going to tell you something I think this House ought to be told, and that applies to the membership and the leadership. Take this man called CHARLEY CRISP. I have not a better friend in the United States than CHARLEY CRISP. If it had not been for JACK GARNER, CHARLEY CRISP, HENRY T. RAINEY, BOB DOUGHTON, and other Democratic members of the Committee on Ways and Means, the ambition of my life would not have been realized and I would not have been placed on the greatest committee in this House, the Committee on Appropriations.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. JOHNSON of Oklahoma. Is this speech in answer to the one that the gentleman from North Carolina made yesterday?

Mr. ABERNETHY. No. I have not consulted with any of the leadership of this House. I think if I had followed their dictation and the dictation of my own delegation, I would not have made this speech, but I have been here long enough and have seen enough trouble in my lifetime to know a few things about humanity. I came up as the son of a Methodist preacher. I have seen the day when I was hungry. Now, will you all give me your attention, for I am going to speak until you do.

A MEMBER. Your time is running.

Mr. ABERNETHY. I do not care whether it runs or not and I do not care whether they give me any more time or not. If you do not want to hear this speech, all right. I have been here 10 years and I never have but in a few instances made a speech over 15 minutes until the other day, and I made one for an hour, and it has not been printed, and I doubt whether it ever will be printed. I owe this House this speech, I owe this leadership this speech, I owe the country this speech. I walked out of this House yesterday—and I want the attention of the press gallery up there and I want you boys to print this all over the country. There is one man sitting up in the press gallery whom I entertained down in the basement of this House, and he ate a whole barrel of my oysters; and yesterday, if he had not been afraid of it, he would have called me a fool for being against the sales tax, and maybe I am one. Now, print that,

will you? I dare you to do it. And I am going to have some more oysters here in about 15 days, and you all come and eat your bellies full, and then print that.

I am eternally, everlastingly, world without end, against the sales tax. I went to Canada and studied it, and I came to the conclusion that it did not fit in under our form of government.

Now I am going to tell you something about BOB DOUGHTON, and he is going to object to it, and he is trembling in his shoes right now. He is going to say, "I wish you had not made that speech," but I will make it if you give me the time, and if you do not, I am going to continue to get time and make it. There is one Member of Congress—I wish he were here to-day—who has been here one term, who objected to my continuing my speech yesterday. He objected. If I wanted to be mean about it, he would never get an appropriation through the Appropriations Committee, but I am not mean.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. ABERNETHY. Mr. Speaker, I desire to proceed for 10 minutes more.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. WOLFENDEN. Mr. Speaker, I object.

Mr. EVANS of Montana. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count.

Mr. JOHNSON of Washington (interrupting the count). Mr. Speaker, I withdraw the point of order of no quorum.

VACATING WITHDRAWAL OF PUBLIC LANDS UNDER THE RECLAMATION LAW

Mr. EVANS of Montana. Mr. Speaker, I call up the bill (H. R. 8087) authorizing the Secretary of the Interior to vacate withdrawals of public lands under the reclamation law, with reservation of rights, ways, and easements.

The SPEAKER. This bill is on the Union Calendar, and under the rules the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8087, with Mr. PARKER of Georgia in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That where public lands of the United States have been withdrawn for possible use for construction purposes under the Federal reclamation laws, and are known or believed to be valuable for minerals and would, if not so withdrawn, be subject to location and patent under the general mining laws, the Secretary of the Interior, when in his opinion the rights of the United States will not be prejudiced thereby, may, in his discretion, vacate such withdrawal, reserving such ways, rights, and easements over or to such lands as may be prescribed by him and as may be deemed necessary or appropriate, including the right to take and remove from such lands construction materials for use in the construction of irrigation works, and/or the said Secretary may require the execution of a contract by the intending locator or entryman as a condition precedent to the vesting of any rights in him, when in the opinion of the Secretary same may be necessary for the protection of the irrigation interests. Such reservations or contract rights may be in favor of the United States or irrigation concerns cooperating or contracting with the United States and operating in the vicinity of such lands. The Secretary may prescribe the form of such contract to be executed and acknowledged and recorded by any locator or entryman of such land before any rights in their favor attach thereto, and the locator or entryman executing such contract shall undertake such indemnifying covenants and shall grant such rights over such lands as in the opinion of the Secretary may be necessary for the protection of Federal or private irrigation in the vicinity. Notice of such reservation or of the necessity of executing such prescribed contract shall be filed in the General Land Office and in the appropriate local land office, and notations thereof shall be made upon the appropriate tract books, and any location or entry thereafter made upon or for such lands, and any patent therefor shall be subject to the terms of such contract and/or to such reserved ways, rights, or easements and such entry or patent may contain a reference thereto.

Sec. 2. The Secretary of the Interior may prescribe such rules and regulations as may be necessary to enable him to enforce the provisions of this act.

Mr. EVANS of Montana. Mr. Chairman, this bill permits the Secretary of the Interior to vacate withdrawals of lands withdrawn for reclamation purposes to a limited extent.

It has developed that when these reclamation projects started large tracts of land contiguous to the development were withdrawn from any sort of entry. The Secretary of the Interior informs the Public Lands Committee that in instances more land has been withdrawn than was actually necessary and that mineral has been discovered upon some of those lands. The Secretary is not willing that there be absolute vacation of any of those tracts, because we might need them in the future. He has now asked for this enactment, that a limited patent may be granted to people to make certain locations upon those lands, the Government reserving the right of easement over the lands and the right to use any necessary material, such as gravel or sand or stone or any other material in the lands that are granted in this limited patent to mineral claimants.

As far as I know, there are no such cases in my State. The bill does not come from me, although I introduced it. I introduced it at the instance of the Secretary of the Interior, who informs me that instances of that kind have arisen and that it would be an accommodation to the Interior Department in handling the matter if a limited patent could be granted to these people, the Secretary providing what the contract shall be and the party in effect giving a bond to comply with it, the Government reserving everything that it needs in the lands and the right to go upon and take it when it so desires.

I do not know of any opposition.

Mr. THATCHER. Will the gentleman yield?

Mr. EVANS of Montana. I yield.

Mr. THATCHER. Will the operation of this measure, if enacted, entail any special costs?

Mr. EVANS of Montana. None whatever. It would be some source of revenue to the Government and to the individual, but no outlay from the Treasury.

Mr. THATCHER. Does the operation have any effect of subtracting from the assets of the Government in the ownership of the lands?

Mr. EVANS of Montana. I think not. I think indeed it would enhance the value of the lands if somebody was making profitable use of them on a reclamation project.

Mr. THATCHER. Discretionary power is given to the Secretary of the Interior?

Mr. EVANS of Montana. He absolutely has control of it. He says what shall be granted and what shall not be granted. There can be no withdrawal unless it is all vacated. By this bill we are permitting partial, limited vacation.

Mr. TABER. Will the gentleman yield?

Mr. EVANS of Montana. I yield.

Mr. TABER. Is this land a part of reclamation projects?

Mr. EVANS of Montana. Yes; in a way it is. It is land belonging to the Government of the United States that has been withdrawn from entry because of a reclamation project being constructed in the vicinity of it. It is public land.

Mr. TABER. But is it land that is benefited by an irrigation project?

Mr. EVANS of Montana. I would not say the land is benefited, but in the judgment of the Secretary it was thought necessary to withdraw it from entry because they were going to construct a project; and from time to time it has been ascertained that if they did not withdraw enough land there would be some trouble by somebody making entries, and so we have withdrawn large tracts of land, oftentimes more than was needed. Now we are trying to vacate it in part.

Mr. TABER. Is it not land that, as a result of its withdrawal, was supposed to have been benefited by the reclamation project?

Mr. EVANS of Montana. Not at all.

Mr. TABER. And which now somebody can get a little cheaper without paying the cost of the reclamation project?

Mr. EVANS of Montana. I think the gentleman is certainly in error. It does not provide for the vacation of any agricultural land, but it provides that a man may come in and mine minerals found on that land and discovered after the withdrawal by the Government was made.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. EVANS of Montana. I yield.

Mr. SUMMERS of Washington. I happen to know of an instance where land was withdrawn for irrigation purposes, a large tract, and part of this tract, upon closer examination, proved to be standing at an angle of from 45 to 75 degrees, a bluff to a stream, wholly unsuited to irrigation under any and all conditions. This particular tract of land afterwards was desired for the development of a mineral spring, and, as I understand, this bill would take care of cases of that kind and that have nothing to do with irrigation, never can have, but in blocking a large area they included some land of this kind.

Mr. TABER. It would seem to me that if we open up a lot more land to entry at this time, we are doing something that is economically unsound; that there is no demand, either for the development of the mineral resources or anything else, at this time, that would justify us in reopening a lot of land of any kind for reentry. It seems as though it would make conditions worse rather than better. I would like to hear what the gentleman has to say about that.

Mr. EVANS of Montana. I will make this statement: I am not in accord with the gentleman's views that it is economically unsound. I think it is economically sound, if there is some land withdrawn from entry, to vacate that to the extent that it might be put to some economic use, some beneficial use.

This land is lying idle. It is not needed for the reclamation project. However, at some time the Government may want to go there and take off the gravel, take off the sand, or run a tramway across the land.

Mr. SMITH of Idaho. This bill simply extends the mining laws to these lands?

Mr. EVANS of Montana. That is the effect of it; yes.

Mr. ARENTZ. Will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. ARENTZ. I will say for the benefit of the gentleman from New York that when the Boulder Dam project was contemplated, there was a great area of land withdrawn. Of this land I dare say there was not an acre that was susceptible of irrigation. It was withdrawn in order to protect the works. We did not know how far away from the dam site gravel was located. We did not know how far away we would have to exclude settlers for the purpose above stated as well as to isolate the area to prevent in a way conflicting interests. So hundreds of square miles were withdrawn. In this area of hundreds of square miles there are deposits of potash, borax, gold, silver, copper, lead, gravel, and building stone. There is no way in the world by which a man can go on that land now and locate a claim, locate a quarry, or locate a gravel pit unless such legislation as this is enacted into law. It is not reclamation land per se, because under the term "reclamation land" we assume the land is level enough so that it can be made perfectly level for irrigation and that it is close enough to water so that water can be put on it, but this land is not of that type. It is desert land, rough mountain land, but it is of some use for gravel and for mining purposes. That is the purpose of this bill; its purpose is not directed toward the Boulder Dam project, but it could be applied there to good advantage even after the gentleman from Nevada has succeeded in decreasing the reserved area at Boulder to a much smaller area than now exists.

Mr. TABER. Is there any reasonable demand for that type of land at this time?

Mr. ARENTZ. Not for this land but for the purposes enumerated; yes. There is a demand in certain sections.

For instance, I might refer to the Imperial Valley. They are building highways there; and everything except certain sections or little ridges included in this area, is sand. It would be a ridiculous proposition to haul sand from San Diego, for instance, or from some far point in Arizona, but under the law you can not lease the land for the securing of gravel without such legislation as this. I think this bill originated in the Department of the Interior with the idea of leasing these gravel pits for the construction of highways through the Imperial Valley.

I do not believe there is any other section of the United States in which there is a demand for it. Now, it seems to me that if you apply it to gravel you must apply it to mineral locations. It is logical that we should have the land not only for gold, silver, copper, lead, and zinc, but for all of these things; and surely if we apply it to gold, which we need at the present time, we can not foreclose the man who goes in there and finds deposits of lead and zinc which may, in fact, be found to contain gold.

Mr. TABER. But if he makes an entry, he can sell the gravel to these contractors for a big price, whereas the Government ought to get that revenue.

Mr. ARENTZ. Oh, no. The contract that will be entered into between the Government and the lessee will be to the effect that the Government will get a certain royalty and the price for the gravel will be reasonable. If it is not, of course, I would not be in favor of it.

Mr. GILBERT. Will the gentleman yield?

Mr. EVANS of Montana. I yield.

Mr. GILBERT. I gather from the colloquy that there is nothing in this bill which will add to the tillable farming area of the United States?

Mr. EVANS of Montana. Nothing at all.

Mr. GILBERT. We farmers are very much opposed, in view of the overproduction, to increasing, through irrigation or otherwise, the tillable areas of farming land in the United States.

Mr. EVANS of Montana. The purpose is to get more gold into circulation by mining.

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman from Wisconsin a member of the committee?

Mr. STAFFORD. No; I am not.

The CHAIRMAN. Is any member of the committee present who is opposed to the bill? If not, the Chair will recognize the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, I take this time largely to get further information as to the real operation of the reclamation law. Members of the Public Lands Committee are here in large numbers, and I wish to get some informative facts as to the reclamation law generally and as it is affected by this supposed relief act.

As I understand, when a reclamation project is opened to entry and entrymen secure their rights, they not only have title to the surface but they also have title to any mineral rights on the land they have entered.

Mr. SMITH of Idaho. No land is opened for entry for homestead purposes that has known minerals in it; but if a patent is issued and minerals are discovered later, they go with the land.

Mr. STAFFORD. I am taking the supposititious case of an irrigation project having been determined upon, whereupon certain land is withdrawn. The land is entered, and when an entryman gets the full rights for his specific 40, 80, or whatever area does he secure, does he secure only the surface rights or does he secure the rights to the mineral deposits?

Mr. SMITH of Idaho. The land has been classified as nonmineral. A homestead entryman complies with the law and receives his patent. When his patent is issued he has not only the surface rights but the right to any minerals that may be later discovered.

Mr. STAFFORD. Are there not instances where land may be suitable for irrigation purposes and yet be mineral in character?

Mr. EVANS of Montana. I should think such a case is conceivable. I think, however, it does not apply to this situation if the settlers on this land are taking what is commonly known as agricultural, nonmineral land. The lands we are trying to get at are probably the lands close to a dam in a mountain canyon not subject at all to agricultural development, but land that has some mineral in it.

Mr. STAFFORD. I have examined the original act, and I wish to be corrected by those persons who are far better acquainted with the operations of the reclamation law than I pretend to be, and that is the act which this bill seeks to amend, that of June 17, 1902. I find nothing in this act which reserves any mineral rights so far as any of the projects that may be opened under the reclamation act are concerned. Am I correct in that position?

Mr. SMITH of Idaho. The gentleman is correct, as only agricultural land is set aside for farming by irrigation.

Mr. STAFFORD. Here is the difficulty I have as to the need for this law. The bill seeks to amend section 3 of the organic act relating to reclamation. Section 3 of that act gives this authority to the Secretary of the Interior:

SEC. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section 4 of this act, withdraw from public entry the lands reserved for any irrigation works contemplated under the provisions of this act and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this act.

Mr. ARENTZ. Will the gentleman yield right at that point?

Mr. STAFFORD. In one minute I will yield to the gentleman.

There you have full authority vested in the Secretary of the Interior over these lands that he has withdrawn for the purpose of building irrigation projects to restore them to public entry. Now, you seek to supplement that authority by allowing him to still retain the lands and not restore them to public entry. If they were restored to public entry, I will ask the gentleman from Nevada or the gentleman from Idaho, would they not then be subject to the mining laws of the country?

Mr. SMITH of Idaho. Yes; they would, if they were restored to public entry.

Mr. STAFFORD. Then I am right in my contention.

I now yield to the gentleman from Nevada.

Mr. ARENTZ. In the discretion of the Secretary of the Interior he can retain certain lands adjacent to a reclamation project; and when I say "reclamation project," I mean the lands that are susceptible of irrigation. Always outside of that area there is marginal land which is not susceptible of irrigation, and beyond that also there is a protecting area which may entirely surround the area.

Mr. EVANS of Montana. Oftentimes for flood purposes.

Mr. ARENTZ. Yes; and oftentimes for pasture, for protection purposes, or for town sites, and oftentimes just merely for the sake of preventing the lands immediately surrounding being considered natural domain on which livestock can range, in order to protect the settlers in that particular area. Now, they have gone farther than that, and the gentleman from Idaho [Mr. FRENCH] brought in a bill which was passed providing for protection of the watershed adjacent to reservoir sites so that, in grazing, that area will not be a menace to the reservoir, in that the flood waters may bring down silt. Would the gentleman call that "irrigation land" up there on the hillsides used as a public range?

Mr. STAFFORD. No.

Mr. ARENTZ. I would not, either.

Mr. STAFFORD. Those lands are not needed for the reclamation project.

Mr. ARENTZ. That is exactly what I am bringing out. In the discretion of the Secretary of the Interior he can have acreage adjacent to the reclamation project classified, and he can wait 40 years before he classifies it, and put it back under the public domain. You take the Imperial Valley, the gentleman from New York knows perfectly about that, and you take from the Colorado River clear over to the Coast Range and running from the Mexican border to

Coachello Valley—nearly all that land at the present time is withdrawn for irrigation purposes. How much will ultimately be retained under the reservation? Very likely two-thirds or three-fourths of it; but they do not know where the all-American canal is going, they do not know where certain protection works along the river are going to be located, and so they have withdrawn all of it. I do not know how many square miles there are in that area, but I guess there are thousands, and within that area there are gravel pits, and across that area there are highways to be constructed. The gravel bars are of such a nature and located in such a way that it is necessary that they be used in the economical construction of the highways and used for other purposes, possibly for irrigation works, but under the law that gravel pit can not be used except by the Government. The proposal of this bill is to permit the leasing of these gravel pits to the contractor who is going to build the highway; and if I have not made the picture clear, I do not know how to make it clear.

Mr. STAFFORD. As I glean from the exposition of the gentleman from Nevada, it seems that you are vesting in the Secretary of the Interior authority for him to go into the gravel and lumber business.

That instead of carrying out the provisions of the original act, when land is no longer needed for irrigation purposes, he is to reopen them to public entry, you are permitting the Secretary of the Interior to say, "No; I will keep that land and go into the gravel and lumber business under such terms as I think reasonable for road construction." Am I in error in that construction?

Mr. EVANS of Montana. The gentleman is in error. The Secretary of the Interior, under the present law, can vacate the land now. We want him to vacate certain rights and retain certain other rights.

Mr. STAFFORD. To go into the business of selling gravel and selling timber.

Mr. EVANS of Montana. This is not the intention for the Government to sell, it is the right to transport the gravel—

Mr. STAFFORD. Then I misunderstood the gentleman from Nevada. I understood him to say that the Secretary of the Interior wanted the right to retain the gravel in the pits and the timber for construction of roads and public highways that would later be developed. Am I right or wrong?

Mr. ARENTZ. I do not think the gentleman from Wisconsin explains it in the right light. The bill is specific. Some of the territory within the irrigation reservation contains certain things. Under the present law, they can go on the land only for the purposes of locating a homestead or putting water on it. Now, the land is not susceptible of such location; you can not locate on it and you can not put water on it.

Mr. STAFFORD. The gentleman will not deny that under the original act the Secretary of the Interior has authority to open the land to public entry.

Mr. ARENTZ. Public entry for what purpose?

Mr. STAFFORD. Mineral rights and surface rights.

Mr. ARENTZ. The land was reserved for a specific purpose in the interest of reclamation projects.

Mr. STAFFORD. Let me read the original act, the organic act.

He shall restore to public entry any of the land so withdrawn when in his judgment such lands are required for the purposes of this act.

Mr. ARENTZ. The gentleman knows that you can not draw a circle around the provisions made for any discretion lodged in the Secretary of the Interior. In other words, it is law by regulation.

Mr. STAFFORD. And that is what you are trying to do here; you are attempting to make law by regulation. The original law states that the lands no longer needed shall be open to public entry, and all the public then has the same right to them.

Mr. ARENTZ. Does it say anything about six months or two years?

Mr. STAFFORD. No; they have the right at any time.

Mr. ARENTZ. And there you are.

Mr. TABER. Will the gentleman yield for a question?

Mr. STAFFORD. I yield to the gentleman from New York.

Mr. TABER. I understand that because of the freedom with which our mineral resources are being wasted, the President of the United States has recently appointed a commission headed by former Secretary of the Interior Mr. Garfield, to see what steps ought to be taken to preserve the Government's rights in its public domain. Does the gentleman know whether that commission has considered this measure and given it its approval?

Mr. STAFFORD. Mr. Chairman, in reply to the gentleman's query—

Mr. SWING. Mr. Chairman, will the gentleman yield on that?

Mr. STAFFORD. No. The gentleman from New York addressed a question to me. I know that the gentleman from California is all-wise about public lands; but permit me just for a moment.

Mr. SWING. I thank the gentleman for the compliment he pays me, which is somewhat higher, probably, than I deserve.

Mr. TABER. It would seem that proper steps ought to be taken to protect the Government's public lands, and I am wondering if the gentleman knows whether or not the approval of that commission has been granted to such a measure as this.

Mr. STAFFORD. The gentleman has subordinated his great knowledge in such a humble way that I am glad now to yield to the gentleman from California [Mr. SWING] to reply to the gentleman from New York.

Mr. SWING. Mr. Chairman, the answer to the gentleman's query is that there is no such commission. I think the inquiry was not prompted for the purpose of securing information but was for the purpose of consuming time.

Mr. TABER. Does the gentleman mean that it is improper for us to find out what the bills are about before they are passed? It looks to me as if that is the gentleman's attitude, instead of having in mind the public interest. I think before we pass important bills of this character we ought to protect the interest of the public.

Mr. STAFFORD. Along that line, I want to inquire how many acres of land this bill will affect? I had that noted when I examined the bill on the Consent Calendar. I thought it was too important to be taken up on the Consent Calendar.

Mr. EATON of Colorado. Mr. Chairman, I would like very much to reply to the query of the gentleman from New York.

Mr. STAFFORD. Then I withdraw my question temporarily and allow the gentleman to reply to the gentleman from New York.

Mr. EATON of Colorado. Perhaps the gentleman from New York is not interested in an answer to his question.

Mr. TABER. Oh, I am.

Mr. STAFFORD. The gentleman from Colorado is coming to the relief of the gentleman from California, and I yield for that purpose.

Mr. EATON of Colorado. In the hearings before the Public Lands Committee of the House, that exact question was asked of Mr. Wilson, of New Mexico, who followed ex-Secretary of the Interior Garfield in explaining the commission's report and a pending bill. If his statement can be construed as the expression of the Garfield Commission, it is that such matters as are covered by this bill, namely, sand, gravel, and building stone, were included in the considerations of their commission, and it was intended that hereafter those should be known as minerals. This bill just adds to the present existing law such things as may be included in the words "construction materials" for the construction of irrigation works. Everything else in the bill in the preceding lines 1 to 5 on page 2 is in the present law. When withdrawal is made for construction purposes under the Federal reclamation laws and the land goes back and

is opened for location, whether mineral or any other, and a patent is written, it is written with reservation of rights of way and easements under present law. This bill adds the right to the removal of construction materials from the land for use in the construction of irrigation works. Since the gentleman wanted to know what the Garfield Commission thought about extending the power of the Secretary of the Interior, I thought he was entitled to an answer.

Mr. TABER. That is just what I wanted to know.

Mr. STAFFORD. I again repeat the question. I really wish to know how many acres will be affected by this bill, if it is enacted into law?

Mr. EVANS of Montana. I do not know, to be frank with the gentleman. The bill was prepared by the Interior Department. In the consideration of it we sent for Judge Finney, one of the attorneys of the Interior Department, and asked him that question, among others. He said two or three cases had arisen in California where it seemed desirable that these people be permitted to occupy the land in a dual way—to mine it, the Government still controlling the title to some degree—and we asked how many acres, how many cases there were, and he said that he knew of two cases in California. A mining claim could not, under the law, exceed 20 acres. So far as Judge Finney knew, there were probably 40 acres.

Mr. STAFFORD. Then, the gentleman from Nevada is pursuing a red-herring trail when he says this will likely increase the gold production. If it is applicable to only 40 acres, even though the 40 acres were in the district of the gentleman from California, it will hardly increase the gold production.

Mr. EVANS of Montana. It is probably very rich land if it is in that district.

Mr. STAFFORD. Rich on the surface or the subsurface?

Mr. EVANS of Montana. The subsurface.

Mr. STAFFORD. Their riches I think are only on the surface, so far as California is concerned. If there are only 40 acres, then this is a minor bill, and I regret to say that the gentleman from Nevada [Mr. ARENTZ] must have the wrong slant in thinking the bill if passed would increase the gold production or even the silver production of the country. I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I crave the indulgence of my colleagues for a few minutes, which I shall use in an attempt to right a wrong that has been done one of our distinguished colleagues.

I do not believe there is a man in this House who is more earnest, more sincere, more faithful, more loyal, and more patriotic than our friend the gentleman from New York [Mr. LaGUARDIA]. [Applause.] I think it is an outrage on justice and decency for any great newspaper in the United States like the Chicago Tribune to malign him, as was done by it editorially on Monday.

I was in this House in April, 1917, when war was declared. The gentleman from New York patriotically voted for every measure requested by President Wilson. Immediately after voting for the war risk insurance act and other matters that were necessary in order to carry on that war, I saw the gentleman from New York [Mr. LaGUARDIA] appear in his uniform and tell us good-by, and then leave immediately for the battle front. He remained in the service until after the armistice. He was decorated with the war cross and made a knight commander of the Crown of Italy for his valiant service.

He gave up his high position in this House when he did not know that it would be held for him.

When this Chicago Tribune last Monday said that he was "an alien in mind and spirit from Americanism," it did not speak the truth. Our friend, Major LaGUARDIA, was born in the city of New York. He was raised in the State of Arizona. His father gave loyal, faithful service to our flag as a soldier in our United States Army for more than 20 years, and finally gave up his life by reason of disability suffered from that service. The gentleman from New York [Mr. LaGUARDIA] when war was declared, gave us his honored place

in this House and risked his life for his country and his flag [applause], and it is not true or right for a great newspaper to malign him and say that he is an alien in mind and spirit from Americanism.

This paper went further than that. It said that Mr. LaGUARDIA "has no loyalty to our form of government." That is not true. What greater loyalty could he have displayed than risking his life for his country? On foreign battle fields his life was in danger many times.

I have disagreed with the gentleman from New York on some subjects. I have disagreed with him on the question of prohibition, very vitally. That is a fundamental disagreement between us. He is a constitutional wet and I am a fundamental dry. When he is fighting against prohibition he is a king in the eyes of the great Chicago Tribune. The Chicago Tribune then has nothing but eulogy and encomium for him when he is fighting for the wet cause. I have crossed swords with him many times on that subject. I have crossed swords with him on this floor on other subjects. He is the author of the LaGUARDIA anti-injunction bill he recently passed in the House, and I was one of the 13 Members who voted against it, and I fought it from this floor. But I want to say that I consider Major LaGUARDIA honest, sincere, patriotic, and fearless, even though I differ with him on some vital issues, and I deem it an honor to serve with him. I have fought many battles with him, shoulder to shoulder, for the people here.

Mr. SPARKS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SPARKS. Is it not a fact that when he is fighting the fight of the common people of this country is when this newspaper says he is an alien?

Mr. BLANTON. That is true. The gentleman correctly answers his own question. It is only when Major LaGUARDIA is fighting a fight against special privilege and in behalf of all the people that the Chicago Tribune tries to crucify him. It is not right. I want my friends to remember this, too, that when a proposed contract was brought in on this floor which would have given away Muscle Shoals to one of the multimillionaires of this country, Major LaGUARDIA led the fight that prevented it. I have been told that a big lawyer received \$100,000 for drawing that contract and trying to lobby it through Congress. That was the first Muscle Shoals contract that was brought before us for ratification, away back about 10 years ago. It was Mr. LaGUARDIA who stood up here and led the fight against giving away Muscle Shoals. I followed him then. I worked with him. He is a good worker. He works effectively. I considered it an honor to serve with him then in his fight. I am willing to follow any sincere Member when he is right. There were just a handful of Members here who followed him then, and we were outvoted, as usual. We had the steam roller run over us, and the bill passed here by an overwhelming vote, but the fight that was started here, led by Major LaGUARDIA, was taken up in the Senate, and that bill did not become a law, and Muscle Shoals, now the greatest power plant on earth, has been saved to the people of the United States. It was Major LaGUARDIA's fight that helped to save it.

I wish to say that notwithstanding he is a fundamental wet, I do not believe there is a more valuable man in this House than Major LaGUARDIA. I am his friend. I will go to the mat for him at any time when he is unjustly attacked. I get after him about his wet views, and his hog-tying the peoples' courts with anti-injunction bills, but I will not let any newspaper or anybody question his sincerity or loyalty or patriotism.

This paper further said about him that "he shows every indication that he is willing to destroy our Government." That is untrue. That charge is wholly without foundation.

What has there been about the loyal, patriotic, faithful service of Major LaGUARDIA in this House and for his country abroad that shows "an indication to be willing to destroy his Government"? That is outrageous. It is untrue. It is unfair. It is unjust. It ought not to stand unchallenged.

Mr. BACON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BACON. Will the gentleman please name the paper?

Mr. BLANTON. It was the great Chicago Tribune.

Mr. BACON. I wanted to make it clear that it was not a New York City paper.

Mr. BLANTON. Why, certainly not. Certainly not. There is not a paper in New York that would question his loyalty or patriotism. Not even William Randolph Hearst, who is trying to put this sales tax over, would permit any of his papers to question Major LaGuardia's honesty or patriotism. He has held many positions of honor and trust, both in New York and for the Government, and has always proven true and faithful. [Applause.]

To show how Major LaGuardia is respected and esteemed in the Nation's Capital I will mention that the Washington Post has a section where it mentions citizens it deems worthy of note, headed "Post Gallery of Notables." Under it is carried the photograph of certain citizens of national note, with a brief write-up of their service. In this Washington Post this morning it carries none other than Major LaGuardia, and under said heading in large type, "Post Gallery of Notables," appears a splendid picture of our distinguished colleague from New York, and just below appears the following:

REPRESENTATIVE FIORELLO H. LA GUARDIA

Stocky, swarthy, dynamic, Representative FIORELLO H. LA GUARDIA (Republican), of New York, who has been in the national spotlight recently because of his fight against the sales tax, is one of the best fighters in the House, because he is convincing and fights good-humoredly enough but with vim and sticks with his fight.

But fighting parliamentary battles is merely the present phase of his scrappiness. He was an American aviator in the World War and commanded the American flying force on the Italian front, for which service he was decorated with the war cross and was made a knight commander of the Crown of Italy.

When the United States entered the World War Mr. LaGuardia was a Member of the House of Representatives. Fearful that some official effort might be made to stop him entering the Army he sneaked away and was in the Army and on the high seas before his colleagues were aware of the reason for his absence from the House. He didn't even tell the recruiting officers he was a Member of Congress; neither did he resign, because he was afraid that might start complications. He just went to war and when he came back with the rank of major his seat was waiting for him.

Mr. LaGuardia was born in New York City on December 11, 1882. He attended high school in Prescott, Ariz., returned to New York, won his law degree, and entered the Consular Service. Returning, he became an interpreter at Ellis Island. He began to practice law in 1910 and was named deputy attorney general in 1915. He was elected to the Sixty-fifth and Sixty-sixth Congresses. He was president of the board of aldermen, candidate for mayor, and generally active in politics, returning to Congress in 1923. He has been reelected each time since. (J. B. McD.)

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Chairman, the gentleman from Texas has just been speaking about one distinguished veteran of this House. I want to take just two or three minutes to call your attention to a matter affecting all veterans which I do not believe you know about. I was very much surprised when I heard about it, and I want to bring it to your attention. I hope some of the members of the Veterans' Committee are here, because I expect it is new to them.

I have learned that the Veterans' Bureau is to-day charging veterans 6 per cent who have made loans through banks as distinguished from loans made through the Veterans' Bureau. I did not know it until a day or two ago, but that is what is happening, and I do not believe all of the veterans know it as yet.

Mr. RANKIN. Will the gentleman yield?

Mr. LANKFORD of Virginia. Yes.

Mr. RANKIN. In other words, banks are charging 6 per cent.

Mr. LANKFORD of Virginia. No. That is the point I want to make. The banks all over this country were asked to help the veterans out when this first loan was made. They were asked to help them discount their certificates and in that way get the money into circulation. I find the bureau is now taking the position that all of those loans which were discounted by the banks and then sent to the

bureau are discounted at the rate of 6 per cent, whereas the banks only charged them 4½ per cent. However, when the loans made by the banks are sent to the Veterans' Bureau the veterans are then charged 6 per cent, and that is the difference which is made between loans made to veterans through banks and loans made direct through the bureau.

Mr. RANKIN. In other words, the banks do not get 6 per cent.

Mr. LANKFORD of Virginia. No. This is unfair to the banks, and they can not explain it to the veterans. As I have said, the banks all over the country were asked to help these boys by making these loans, and when they made the loans they received 4½ per cent, but when they send the loans to the Veterans' Bureau the bureau charges the veterans 6 per cent. I believe that should be corrected.

Mr. RANKIN. The gentleman is referring to adjusted-service certificates?

Mr. LANKFORD of Virginia. Yes.

Mr. RANKIN. Let me say to the gentleman from Virginia that that legislation does not come to the Veterans' Committee but goes to the Ways and Means Committee, the same committee that has brought out a sales tax.

Mr. LANKFORD of Virginia. I am glad to have that correction, and I would like the Ways and Means Committee to know about this, because I do not believe it is generally known. Here is a letter from the bureau which explains the situation:

WASHINGTON, March 1, 1932.

NORFOLK NATIONAL BANK OF COMMERCE & TRUSTS,

Norfolk, Va.

DEAR SIR: Receipt is acknowledged of your letter of February 18, 1932, transmitting copy of a letter from your bank addressed to this administration dated January 28, 1932. A thorough search fails to disclose the receipt of the original letter dated January 28, 1932, by this administration.

With reference to the notices forwarded to the veterans advising them of the redemption of their certificates by the Veterans' Administration and stating that interest will accrue on the amount paid the bank at the rate of 6 per cent per annum, compounded annually until paid, you are informed that in accordance with the provisions of section 502 (c) of the World War adjusted compensation act interest at the rate of 6 per cent per annum, compounded annually, is authorized on the amount paid the bank when certificates are redeemed by the Veterans' Administration. This provision of the act was not affected by the amendment February 27, 1931.

Under the provisions of the act as amended February 27, 1931, the veterans may obtain further loans on the security of their adjusted-service certificates from this administration for an amount not exceeding 50 per cent of the face value, provided there is an amount of \$2 or more available after the amount paid the bank plus accrued interest has been deducted. The rate of interest charged on these loans is governed by the Federal reserve rate in effect in the fourth Federal reserve district, but in no case may exceed 4½ per cent compounded annually.

If the veterans are entitled to a further loan, note (Form 1185), a copy of which is inclosed, should be properly executed and forwarded to the Veterans' Administration, certificate accounts division, Arlington Building, Washington, D. C., for consideration.

In the event the veterans are not entitled to an additional loan from this administration interest will be charged as stated in the second paragraph of this letter.

Respectfully,

M. COLLINS,

Director of Finance.

I have a letter from Mr. John S. Alfried, cashier of the Norfolk National Bank of Commerce & Trusts, bringing this to my attention. The letter reads as follows:

NORFOLK, VA., March 4, 1932.

HON. MENALCUS LANKFORD,

House of Representatives, Washington, D. C.

DEAR MR. LANKFORD: I am inclosing copies of letters in regard to loans secured by adjusted-service certificates. It seems to me that the Veterans' Administration is taking an unfair advantage of veterans who borrowed through banks at 4½ per cent, as permitted under the World War adjusted compensation act, and are now being penalized to the extent of 1½ per cent because their applications for loans were not originally placed with the Government administration.

If the Veterans' Administration has correctly interpreted the act, then I am of the opinion that this should be amended, inasmuch as, due to the tightening of credit, a large number of veterans' loans are being forwarded to Washington for redemption by the various banks in which the loans were originally made. Neither the veterans nor the banks were advised as to this peculiarity in the act, and I personally believe that the matter was completely overlooked at the time the amendment was put into effect.

Harold Masengill informs me that he will see you over the weekend and will at that time go more fully into the matter with you. You will readily understand that if interest is to accrue on these veterans' notes at the rate of 6 per cent the remaining one-half due the veterans will be dissipated in one-fourth less time than those veterans who were fortunate enough to have made their original loans direct with the bureau.

With kind personal regards, I am,
Yours very truly,

JOHN S. ALFRIEND, *Cashier.*

I simply want to say this is unfair to the banks, because they did not know it. They are being criticized by the veterans who have made loans through the banks, and the veterans are just beginning to understand it. They are being charged 6 per cent when they should be charged only 4½ per cent. It seems to me some way should be devised, either by the committee or by the bureau, to prevent this additional charge of 6 per cent, which will eat up these certificates in a very short time.

Mr. SWICK. Will the gentleman yield?

Mr. LANKFORD of Virginia. Yes.

Mr. SWICK. Does the gentleman feel it is fair to charge even 4½ per cent to these veterans?

Mr. LANKFORD of Virginia. That can not be changed now, and I am not discussing the 4½ per cent at the present time. However, at some future time that might be corrected, and I hope it will be. That is not the question now.

Mr. SWING. Mr. Chairman, I want to make a point of order for the purpose of making a parliamentary inquiry. On Calendar Wednesday, as I understand, under the rules of the House general debate does not mean debate on general subjects, unassociated with the legislation presented to the House for consideration. The purpose of Calendar Wednesday is to permit the standing committees to bring to this House for discussion and action legislation which they believe should be enacted into law. General debate, under the rules relating to Calendar Wednesday, must be confined to the bill. I did not desire to take the gentleman off the floor, but I shall hereafter feel compelled to ask that the rules be observed.

Mr. LANKFORD of Virginia. Knowing the interest of the gentleman in the veterans and veterans' relief, I am sure he would not object. Mr. Chairman, I yield back the balance of my time.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, I do not know that I shall take all of the five minutes; but as I read the report of the committee that accompanies this legislation, I noticed one point in it which always challenges my interest, and I am taking just a minute or two in order that I may have this particular matter cleared up.

I think those who have noted the attitude I have taken on reclamation projects know that whenever I see the word "reclamation" or the word "irrigation" in any new bill I naturally have my attention attracted to it. Because of that fact I want to direct an inquiry or two to those in charge of this bill.

Upon its face this seems to be a bill that has to do with mineral lands, but as you read the report—a major part of it; that upon section 3—the bill seems to have more to do with the materials that are to be used or possibly secured from these lands to be used in connection with reclamation projects and irrigation projects than it really has to do with minerals themselves. I am using this minute or two to ask for an explanation on that particular point. I think we are entitled to an absolutely frank and fair statement from those in charge of the bill as to the part that particular feature has in connection with this bill. I am sure there are distinguished engineers and others here who can give us the light needed on this particular point, and I will be glad to hear from the chairman of the committee.

Mr. EVANS of Montana. I do not quite grasp what it is the gentleman desires.

Mr. KETCHAM. If the gentleman will direct his attention to page 2 of the report, he will find that the major portion of that paragraph deals with a discussion of the question of how these materials upon these lands may be used for construction on reclamation projects and irriga-

tion projects and the like. I just want to know what is really back of all this proposition, whether in its major aspects it is really what it purports to be on its face, or whether there is some great scheme back in the mind of somebody looking toward some great irrigation or reclamation project that is going to be launched in the future. If the latter is the object, I think the gentleman knows what my attitude would be on the bill, and I would not be disposed to let it go through without resorting to every parliamentary means in my power to prevent it.

Mr. EVANS of Montana. I think, perhaps, the gentleman's attitude and the chairman's attitude would be the same on that proposition.

Mr. KETCHAM. I am glad to know that.

Mr. EVANS of Montana. I personally never heard of this bill until it came to the committee. I read it, and we then sent for Judge Finney, of the Interior Department, and asked him who drew the bill, why the bill was drawn, and somebody asked him, "Now, Judge, tell us what is back of it." We put it in just that language. He said:

There are two cases from California where mineral has been discovered on land that has been withdrawn for reclamation purposes. They want to mine the mineral. They can not do it while it is in withdrawal. We do not want to vacate it entirely, but we are willing to vacate it partially. We want to reserve the right to take gravel off of that ground and we want to reserve the right to run a tramway over it and we want to reserve the right to take sand from it for our purposes in connection with this dam; in other words, we think the Government and the mining locator, if permitted, could make a dual use of this land to the benefit of the man and perhaps with no disadvantage to the Government.

Mr. KETCHAM. If he will permit, the gentleman has just indicated the suggestion that will answer my possible objection to the bill. While this bill is properly drawn in very general terms, do I understand that in reality its operation will be limited to just one particular situation?

Mr. EVANS of Montana. That is my understanding, and I get the understanding from Judge Finney and from the report of the Secretary of the Interior, which is all the information I have.

Mr. KETCHAM. If it has application only to one little situation, I would have no particular objection, but the bill is drawn in general terms.

Mr. EVANS of Montana. I have confidence in the information I have received and I am sure that is the case.

The Clerk read the bill, with the following committee amendments:

Page 2, line 1, strike out the words "vacate such withdrawal" and insert in lieu thereof "open the land to location, entry, and patent under the general mining laws."

Page 2, line 16, after the word "contract," strike out the word "to" and insert the words "which shall."

Page 2, line 17, after the word "recorded," insert the words "in the county records and United States local land office."

Page 3, line 6, after the word "patent," strike out the word "may" and insert the word "shall."

The committee amendments were agreed to.

Mr. EATON of Colorado. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee whether it is understood that this bill applies only to that particular type of public land that has been withdrawn from "possible use for construction purposes under the Federal reclamation laws"? These are the words of lines 3 and 4, on page 1 of the bill, but I would like to have accentuated in the Record, if that is the fact, that this bill applies only to that particular type of public land and not to any other of the public lands withdrawn for many other purposes, such as oil, gas, oil shale, for survey, and a number of other purposes.

Mr. EVANS of Montana. My understanding is that just those lands withdrawn for construction purposes are affected, and I gathered that understanding from a rather minute inquisition of Judge Finney, who drew the bill and represented to us that two or three California cases demanded this sort of legislation.

Mr. EATON of Colorado. And are the lands to which this bill particularly applies in the Boulder Dam area?

Mr. EVANS of Montana. He spoke of two California cases as the only cases he knew of.

Mr. ARENTZ. If the gentleman will permit, I want to say that if it is contemplated to do this in the Boulder Dam area I am going to request the Congress to cut that Boulder Dam area down to the very limits of what is needed, because we have some very fine mineral territory in there that I want the prospectors to have unlimited rights on, and I do not want it curtailed as this bill curtails it.

Mr. STAFFORD. Will the gentleman yield?

Mr. EATON of Colorado. Yes.

Mr. STAFFORD. Does not this bill give that right to the Secretary of the Interior?

Mr. ARENTZ. Of course, it does.

Mr. STAFFORD. Now is the time to curtail his power if the gentleman is fearful of the exercise of such power.

Mr. ARENTZ. This bill can not shrink that area in any way. That is what I am talking about. I am talking about the area that is so broad now that it takes in a tremendous area. I am not referring to this bill; I am talking about the reserved area for reclamation.

Mr. STAFFORD. Is not the area the gentleman refers to withdrawn for construction purposes?

Mr. ARENTZ. Yes; but it is so broad that it covers a great deal of other territory that will never be needed.

Mr. STAFFORD. So this bill is drawn with a very broad purpose to cover that identic case?

Mr. ARENTZ. For instance, they do not know where the aqueduct is going to go to take the water out of Boulder Canyon. It may be taken out 100 miles below or it may come right to the reservoir; we do not know. We do not know where the power line is going. For that reason the Secretary says we must retain all this area until we find out where these conduits and so on are going to go, with the result that I can only say now, hasten the day when the actual location is decided upon so that we can determine when we want to shrink this area.

Mr. STAFFORD. If the bill is passed, the Secretary of the Interior will have the right to restore land not needed for public entry.

Mr. ARENTZ. Everywhere; yes.

Mr. STAFFORD. Then the gentleman's fears are not well founded.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8087) authorizing the Secretary of the Interior to vacate withdrawals of public lands under the reclamation law with reservation of rights, ways, and easements, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. EVANS of Montana. Mr. Speaker, I move the previous question on the bill to final passage.

Mr. TABER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from New York makes the point that no quorum is present. Evidently there is no quorum present.

Mr. EVANS of Montana. Mr. Speaker, I move a call of the House.

The motion was agreed to; accordingly the doors were closed, the Sergeant at Arms directed to notify absent Members, and the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 32]

Abernethy	Bloom	Chindblom	Crisp
Aldrich	Boland	Clague	Crowe
Allen	Brand, Ohio	Clarke, N. Y.	Curry
Amble	Britten	Cole, Md.	Davenport
Bacharach	Byrns	Collier	De Priest
Beam	Caviechia	Connery	Douglass, Mass.
Beck	Chapman	Cooper, Ohio	Doutrich

Driver	Horr	Lewis	Selvig
Eaton, N. J.	Houston	Linthicum	Smith, Va.
Evans, Calif.	Igoe	McClintic, Okla.	Steagall
Finley	James	McDuffie	Strong, Pa.
Fish	Jenkins	McLaughlin	Sullivan, Pa.
Flannagan	Johnson, Ill.	Martin, Oreg.	Tinkham
Foss	Johnson, Wash.	Nelson, Wis.	Treadway
Freeman	Karch	Polk	Tucker
Gambrell	Kelly, Ill.	Pratt, Harcourt J.	Underhill
Golder	Kelly, Pa.	Pratt, Ruth	Watson
Goldsborough	Kendall	Purnell	Williamson
Greenwood	Kerr	Ramspeck	Withrow
Griffin	Kleberg	Rayburn	Woodrum
Hancock, N. C.	Kurtz	Reid, Ill.	
Hawley	Lea	Rogers, N. H.	
Hogg, W. Va.	Lehlbach	Sabath	

The SPEAKER. Three hundred and forty-three Members have answered to their names; a quorum is present.

Mr. EVANS of Montana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Montana moves the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EVANS of Montana, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to proceed out of order for two minutes.

The SPEAKER. The gentleman from Montana asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. EVANS of Montana. Mr. Speaker, this is Calendar Wednesday and the Public Lands Committee has the call. We have on our tentative calendar six or seven bills. We have now put in two and a half hours on one bill, against which there was apparently no serious opposition. No amendment was offered and no vote cast against it. It is manifest that there is some serious opposition to some bill on the calendar of the Public Lands Committee. A filibuster has been going on for two hours. I am told privately that the opposition is to the Florida Everglades bill. I do not speak advisedly, but I have reached the conclusion that if that bill is taken up no other bill on the committee's calendar will be reached.

In the interest of expeditious legislation for the Public Lands Committee, we have had a little meeting here and discussed the matter with the author of the bill, Mrs. OWEN, the lady from Florida, and Mrs. OWEN has generously authorized me to say that if that bill is standing in the way of expeditious legislation, I had her consent to say that that bill would not be called up to-day. I therefore make that statement for the benefit of the House, in the hope that we can proceed expeditiously on the other bills on the calendar. [Applause.]

THE TARIFF ON OIL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the present revenue bill, H. R. 10236, was introduced in response to the President's urgent message for the speedy passage of a bill to provide revenue. The urgency of the situation with respect to the unbalanced Budget caused the consideration of such legislation.

It is admitted on all sides that this is not a tariff measure. At the hearings before the Ways and Means Committee our distinguished colleague [Mr. CRISP], the acting chairman, stated that the task before the committee was a "most unpleasant duty," namely, to provide "taxes to produce sufficient revenue" to meet the deficit for 1933. There is thus

no doubt as to the purpose of the bill, both from the message of the President and from the understanding of the committee itself. It would seem reasonable to expect that no proposal for a tax would be included in the bill unless it was for the purpose of producing revenue, the extent and amount of which could be reasonably estimated on the basis of past experience. The inclusion of the proposed tariff of 1 cent per gallon on imported petroleum and its products in a nontariff measure is therefore wrong in principle.

II. ONLY A NEGLIGIBLE AMOUNT OF REVENUE, IF ANY, CAN BE EXPECTED FROM THE PROPOSED TARIFF ON IMPORTED OIL

With a view of determining, if possible, what revenue might reasonably be expected, inquiry was made of the Secretary of the Treasury for information in that respect. The reply of Secretary Mills was as follows:

In the opinion of experts of the Department of Commerce, such a tax would yield no revenue, since the levy which would be added to the import price exceeds the margin of advantage on which oil is imported to this country and therefore would exclude the products affected.

It thus appeared, on reliable information, that no revenue could be expected from such a tax.

After the receipt of this information it seems that the committee itself estimated an expected income of \$5,000,000. This was no doubt based on the amount of gasoline imported in 1931, to wit, about 546,000,000 gallons, and upon the assumption that imports would continue at the same rate in spite of the proposed tax. It thus appears that, in comparison to the amount of revenue from the proposed oil tax, even in the committee's enthusiastic expectation, would be negligible. In fact, it is the smallest item of revenue included in the committee's bill. (See CONGRESSIONAL RECORD for March 11, 1932, p. 5787.)

III. THE PROPOSED TARIFF RUNS COUNTER TO THE SETTLED POLICY OF THE UNITED STATES

Even if it be assumed that this tariff provision is properly part of a revenue bill and that it would produce an appreciable amount of revenue, it appears from a review of our tariff history that this is a new departure and is contrary to our settled policy. There has never been a tariff on crude petroleum and its related products. Both of the major political parties have recognized in their platforms the soundness of the proposition that petroleum and its products should be free from tariff. The Democratic platform for 1920 says:

The Democratic Party recognizes the importance of the acquisition by Americans of additional sources of supply of petroleum and other minerals, and declares that such acquisition should, both at home and abroad, be fostered and encouraged.

The Republican platform for 1928 calls attention to crude petroleum, gasoline, and lubricating oil as "articles used by the farmers, which are on the free list," and thus implies a promise that they will continue to be on the free list.

This attitude toward having petroleum on the free list has been recognized by Congress. We find that in 1922 there were 130,000,000 barrels of crude oil imported into this country, as against only 47,000,000 in 1931. Nevertheless, in 1922 Congress left petroleum on the free list.

Again, in 1929, the oil producers proposed that in the tariff then under consideration a tariff should be imposed on crude petroleum and on the products derived therefrom. But both the House and Senate, after extended investigation and lengthy deliberation, denied such efforts. Again, in 1930, the subject was before Congress when an attempt was made to place an embargo on the importation of oil, and Congress again took no action thereon.

After mature consideration by several Congresses oil was thus recognized to be one of the natural resources like pulp, copper, and others, which, by design and not by oversight, were left without a tariff, and the reasons for this conclusion, deliberately arrived at, with respect to oil, are not far to seek. Not only are gasoline, fuel oil, and other petroleum products of vital necessity in motor transportation, in industry, in shipping, and in many other ways but it is recognized that our petroleum supply is limited and irreplaceable. The statistics compiled by Government bureaus show that the United States produces and consumes about 68 per cent

of the world's oil. But we have within our borders only about 18 per cent of the estimated world's underground supply.

This rapid rate of exhaustion of our own supply has been recognized as a matter for serious consideration. The conservation of the supply is a national necessity. The United States has therefore encouraged the investment of American capital in foreign oil fields and the importation of petroleum and its products. In the first report of the Federal Oil Conservation Board the board advises that oil companies should vigorously acquire and explore foreign fields as a source of supply under the control of our own citizens.

The report made in 1931 by the Bureau of Mines to the Commerce Committee of the Senate says:

Having thus encouraged American oil companies to develop foreign oil production, it might be considered that there had been established an implied obligation to continue in the assistance of American companies engaged in foreign oil production, and that the restriction or refusal of admission to the United States of oil so produced would be contrary to the encouragement which these companies have received while engaged in foreign oil exploration and development work.

In view of this repeated recognition of policy with respect to oil, there can be no serious doubt that the tariff now proposed in the revenue bill is contrary thereto.

IV. THE PROPOSED TAX WILL INCREASE THE PRICE OF FUEL OIL AND WILL DIRECTLY AFFECT INDUSTRY, SHIPPING, WAGE EARNERS, FARMERS, HOME OWNERS, PUBLIC-SERVICE COMPANIES, ROAD BUILDING, AND OTHER INTERESTS

The sweeping effect of this proposed tax becomes evident on but slight reflection. Though it will produce no revenue for the Government, according to the experts, it will result in increasing the price of fuel oil, gasoline, and other widely used products of crude petroleum. It is reasonable to assume, and experience has shown, that the prices of petroleum products quickly follow the price changes of crude petroleum. In the 1928 report of the Federal Trade Commission, it is stated on page 175:

As a rule price advances in crude petroleum have been followed promptly by gasoline price increases.

This conclusion can not be questioned. It is amply established by a mass of indisputable facts and figures collected in the August, 1931, issue of Petroleum Facts and Figures, published by the American Petroleum Institute and reprinted in the report of the hearings conducted by the Ways and Means Committee on this proposed tariff. (Pp. 50 to 56, inclusive.)

It is clear that users of fuel oil will be necessarily and promptly affected by the increase in price. Every State in the Union where manufacturing is carried on to any substantial extent is, of course, interested in having fuel for its industries at a proper price. In many industries, fuel enters to a substantial degree into the cost of production and thus constitutes a large factor in the selling price of articles manufactured. For example, in the finishing plants of the textile industry where gray goods are converted into marketable materials for consumers' use, the expense of fuel amounts to nearly 10 per cent of the entire manufacturing expense. In shipping, the proportion is even larger.

At the present time fuel oil—which is the residuum left after naphtha, gasoline, kerosene, and others of the more expensive products have been removed by the so-called cracking process—is obtainable on the Atlantic coast at less than 1½ cents per gallon. An increase of 1 cent per gallon means an increase of about 70 per cent in the cost of fuel—a tremendous increase in this large and essential item of the cost of manufacture. The same proportion of increase in fuel cost—namely, nearly 70 per cent—will result to the shipping interests using fuel oil. It seems clear, beyond doubt, that the cost of fuel to such industries and to shipping will be nearly doubled by the advance in price of fuel oil which the proposed tariff will induce. Many of the industries have already found themselves in such condition that wages and employment were affected. This is most unfortunate. The plight of shipping is well known. If this increase in the cost of fuel oil is passed on to the

wage earners engaged in those industries, tens of thousands of employees will be affected. On the other hand, if this great increase in the cost of turning the wheels of industry should result in increasing the prices of the products manufactured and transported by these industries, then consumers generally will be affected. On any view of the situation that seems certain to follow in the wake of this tax, there can be no doubt that industry, shipping, wage earners, and consumers will all be affected thereby, and all with no revenue to the Government.

Asphalt, another product of crude petroleum, is necessary for the manufacture of roofing and road-building material. Only petroleum with an asphaltic base supplies this material, and there are only two sources within our own country where such petroleum is available, namely, California and a small area in Texas. The roofing manufacturers say that the proposed tax would materially increase the cost of roofing material and the road builders say that it would nearly triple the cost of road building. (See report of hearings, pp. 129 and 132.)

The farmers and the home owners also have a stake in this problem. The farmer has a direct interest in having manufactured goods come to him at as low a price as possible. It is evident that the prices of his tools, his equipment, his clothing, his roofing, his building materials, are all dependent in some degree on the cost to the manufacturer and shipper of the heat and power that turn the wheels of industry. If a fuel-oil tax is adopted, we add to the farmer's burden as well as to the already overburdened industries and to the millions of wage earners employed by them. This does not take into consideration the effects on the farmer of the increase in gasoline for his tractors, trucks, and other gasoline motors. It is no wonder that farmers' organizations are protesting against this tariff. Protests have already been received by the Committee on Ways and Means from the representative farmers' associations in Minnesota, Indiana, Nebraska, Ohio, South Dakota, Tennessee, New Hampshire, and elsewhere. (See report of hearings before Ways and Means Committee, p. 108.)

Oil as fuel is not only a basic necessity for industry, it has come to be used widely as a fuel for homes. The American Oil Burner Association reports that more than 750,000 homes have been equipped with oil burners and that \$525,000,000 have been invested in the industry of producing oil burners for home. (See report of hearings before Ways and Means Committee, p. 119.) The American home owners using oil fuel will, of course, immediately feel the result of this tax. It can not, therefore, be denied that the effects of this tax will be far-reaching and will be felt by millions.

V. THE PROPOSED TAX IS UNFAIR FOR IT WILL BEAR DOWN PARTICULARLY ON THE STATES LOCATED AT A DISTANCE FROM OIL FIELDS

The Atlantic States have been obtaining some of their supply of fuel oil from petroleum originating in Venezuela. The Tariff Commission, in its report of February 1, 1932, to the chairman of the Ways and Means Committee, show that for the years 1929 and 1930 (for which years figures as to imports were available) they were with respect to fuel oils, as follows:

TOPPED OILS, INCLUDING FUEL OILS

Barrels of 42 gallons each:

	1929	1930
1929	20,545,498	
1930		26,080,383

The consumption on the Atlantic coast, where these imports were received, was far in excess of the amounts imported, as appears by the report of the Bureau of Mines on deliveries of fuel oil, as follows:

	1930	1929
New England States.....	20,618,218	21,829,471
Middle Atlantic States.....	87,284,415	88,721,203
South Atlantic States.....	10,410,097	9,953,117

It is thus clear that the consumption of domestic fuel oil on the Atlantic seaboard is far in excess of the amount of such oil imported from foreign sources. The imported fuel oil naturally does not reach the States located at any great

distance from salt water. The proposed tax is therefore in effect a tax bearing directly upon the people and the industries and the shipping of those States. The effect of it is the same as though those States were specifically named in the bill. The rise in price by reason of the tax will most directly affect those specific portions of the country and thus be highly discriminatory against the Atlantic States. Of course, a tax upon those industries will result in a rise in price of the products and thus indirectly affect the consumers of those products throughout the United States. But the direct effect of the tax will be upon those industries, upon their wage earners and home owners, and indirectly upon all of our people, including the farmers. It is plain that Congress could not single out the non-oil-producing States and impose a tax upon such States. That would be unconstitutional. The effect of the proposed tax produces exactly the same result by indirection, which the Constitution expressly prohibits.

VI. THE PROPOSED TAX WILL ACTUALLY CREATE A DEFICIT TO THE GOVERNMENT RATHER THAN REVENUE

In view of the exigency which occasioned the need for the present revenue bill, citizens must, of course, be prepared to bear tax burdens if such burdens would produce revenue. The only possible justification for the inclusion of any tax in the revenue bill would be as a revenue producer. But we find that the Government itself would suffer to the extent of millions in excess of any amount of revenue that could possibly be expected. Ludwell Denny, in *We Fight For Oil*, says:

Current peace-time requirements of those branches of the Government responsible for the national defense are approximately 20,000,000 barrels of petroleum products a year.

It is to be noted that this Government consumption of 20,000,000 barrels is only peace-time requirements for national defense. The total consumption of the American Government is much in excess of this. But, taking only the 20,000,000 barrels, we have the following ridiculous result:

Used by American Government, 20,000,000 barrels per year; in gallons (42 gallons per barrel), 840,000,000 gallons per year.

At 1 cent per gallon increase in cost.....	\$8,400,000
Estimated income from tax on imported oil, as assumed by the committee.....	5,000,000

Minimum net loss to American Government.....	3,400,000
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Thus we see that the net result to the Government, on its own annual requirements for national defense, will be a substantial net loss. It is clear that at best the proposed tax does not produce revenue but creates a deficit. It leads to the ridiculous conclusion of the necessity of raising further revenue to cover this new deficit.

VII. THE PROPOSED TAX WILL REDUCE OUR EXPORTS TO VENEZUELA

The great importance of foreign trade to our wage earners and industries can not be overestimated. The Bureau of Foreign and Domestic Commerce of the United States Department of Commerce (Bulletin No. 783) reports that Venezuela is buying from us 55 per cent of all the goods which she imports, and says:

Since the World War Venezuela has become of increasing interest to the American public, primarily through the intensive development of its oil fields, but also because of the increased trade between the two countries.

We sell Venezuela food products and increasingly large amounts of manufactured goods. (See bulletin of U. S. Department of Commerce No. 783, pp. 46-48.) Venezuelan imports from and exports to the United States for 1913 and from 1926 to 1929 were as follows:

	Our exports to Venezuela	Our imports from Venezuela ¹
1913.....	6,829,000	8,335,000
1926.....	44,063,000	18,926,000
1927.....	36,058,000	19,896,000
1928.....	46,069,000	32,619,000
1929.....	48,179,000	42,308,000

The growth of our exports to Venezuela has thus been steadily and substantially increasing. The comparison of the figures of recent years with 1913 is impressive. Our Department of Commerce, Bulletin No. 783, page 40, recognizes that "the importance of petroleum in this rapid trade development is striking." It is the export of petroleum and its products that furnishes Venezuela a means of payment and therefore has established it as a good potential customer. The trade balance with Venezuela has been steadily in our favor, as shown by the above schedule. Our total imports from Venezuela in 1930 aggregated \$36,868,010 (p. 46). Of this amount, nearly \$26,000,000 consisted of petroleum and its products (p. 46). In other words, more than 72 per cent of the payment by Venezuela for our goods is in petroleum and its products. If by reason of this tax imports from Venezuela are cut off, as the Treasury Department says they will be, Venezuela will have to look for other markets for her petroleum and its products. Venezuela must and will import from those countries that buy her oil. It follows that our foreign trade with Venezuela will be greatly reduced. The effect of this reduction in our export trade will, of course, further reflect upon our industries and wage earners. Our foreign trade is not in such condition that we can afford to tamper with it—it has already fallen off nearly 40 per cent from 1927—and we must carefully foster and develop our remaining foreign markets.

VIII. THE PROPOSED TAX WILL NOT HELP THE INDEPENDENT OIL PRODUCERS

The proponents of the tax have laid stress on the plight of the independent oil producers. Their spokesman, Mr. Wirt Franklin, told the Ways and Means Committee about the condition in which owners of small wells that produce a barrel and a half a day find themselves, and urged this proposed tax as a measure for assisting these small independent oil producers. He overlooked the fact that by reason of general conditions, industry, farming, and business generally face similar price conditions in practically all commodities. The home owner is in the same condition. The Department of Labor shows that the price index declined generally between January, 1931, and December, 1931. To take a few examples:

Item	Index for January, 1931	Index for December, 1931
Farm products.....	73.5	55.7
Semimanufactured articles.....	73.4	62.2
Raw material.....	72.9	60.2
Textiles.....	71.0	59.2
Miscellaneous.....	64.7	56.9
Oil.....	69.8	63.6

It thus appears from a disinterested and reliable source that farming, textiles, and other industries generally have suffered more than oil in price reductions during 1931, and that in December, 1931, their price indices were lower than those of oil. If the oil industry is entitled to help, by means of the revenue bill, why are not the other industries? Thus the door will be opened for those interested in copper, pulp, fish, and in other necessary and designedly free materials to use this exigency of the revenue measure as a means for precipitating a discussion as to a change of tariff policy, and manufacturers and dealers in manufactured products will also, with as large a measure of justice, come forward and demand tariff legislation. The quick passage of a revenue bill will be rendered impossible, and we shall be plunged into the midst of a pulling and hauling tariff revision. The result will be much noise and confusion and no present help to the Government and no balancing of the Budget.

But even aside from this important consideration, which must not be overlooked, an examination into the oil situation shows that the proposed tariff of 1 cent per gallon will not alleviate the conditions of the independent producer. The United States Tariff Commission reports (Report, February 1, 1932) that our country produced in 1931 about 850,000,000 barrels of crude petroleum. Our total imports for that year,

both of crude and refined oils, were only about 10 per cent of that amount; that is, about 86,000,000 barrels. These imports were as follows:

	Barrels
Crude petroleum.....	47,250,000
Refined oils, including fuel oil, gasoline, etc.....	38,700,000
Total.....	85,950,000

Our imports were thus but a small fraction of our production, and they had moreover decreased 24 per cent as compared with the year 1930.

The United States Tariff Commission reports show that the independents produce less than 20 per cent of the total amount of petroleum brought to the surface in our country; that they are in no position to compete with the few large and organized companies that produce the bulk of the petroleum. The troubles of the independents are clearly traceable not to any foreign competition but to the fact that a few corporations control the means of transportation, the refining and storage plants, and the marketing facilities for petroleum and its products.

Alfred M. Landon, the chairman of the Kansas delegation to the Governors' Oil Relief Conference, says:

To-day the greatest danger facing the oil industry is not from without but from within—and that danger is the elimination of competition through "integration," which is only a gentle-sounding phrase under which a monopoly masquerades.

Having no storage capacity, no means of transportation except the one in the control of the few large companies, no consignee or purchaser other than those corporations, the independent is obliged to accept what those companies see fit to give him as the price of crude petroleum.

The Independent Monthly of the Petroleum Association of America in its issue of July-August, 1931, shows that out of a base price at tidewater of 85 cents a barrel only 10 cents per barrel went to the producer of the petroleum. Of the remainder, 40 cents was the so-called trunk-line charge for transportation, 12½ cents was figured into the price as a "gathering charge," 2½ cents as a ship-loading charge, and 20 cents as a "service charge," or premium to the parent corporation. These indisputable figures are most significant. They show the result of the monopolistic control of transportation by pipe line, which is not subjected to such regulation as other carriers, like railroads. Here is the great cause of the condition of the independent. It is evident, therefore, that the troubles of the independent producers will in no way be remedied by the proposed tax of 1 cent per gallon. He will still remain in the grip of this monopoly, and will still be without means of transportation, refining, loading, or marketing.

Surely, it can not be argued that it is the large integrated companies that are languishing for want of this tax of 1 cent per gallon, because those companies have apparently not been hit by the depression at all. We find that during these years of depression they have paid enormous dividends. From a compilation made by the Interstate Commerce Commission in its statement, No. 3170, we find that for the year 1930 six large pipe-line companies have declared dividends ranging from 40 to 338 per cent.

Surely those companies need no tariff assistance at the expense of the rest of the country, and the independents who find themselves in the iron grip of these large integrated corporations can not possibly benefit from the further depression which will result to manufacturing, shipping, and farming interests from the proposed tax. This was recognized by the western group in Congress when the matter of an embargo on oil was discussed in 1931. Said Senator ASHURST, of Arizona (CONGRESSIONAL RECORD for March 2, 1931, pp. 6722-6723):

We are asked, in behalf of the Sinclairs and the Dohenys, to put an embargo upon the importation of oil. Mr. President, there is a larger question here than the mere question of serving the oil interests and the Dohenys and the Sinclairs of this country. Are we going to levy a tax, already too heavy, upon every person who uses an automobile, upon every farmer who has a motor upon his farm, in order to swell the profits, already great, of the oil industry?

The Senator must have read the record of the tremendous dividends declared by those companies. He referred only to users of gasoline who would be taxed, but his statement holds true with respect to those fuel-oil users who would be the victims of such a tax; namely, the great industries, shipping, the wage earners, and the home owners.

IX. SUMMARY AND CONCLUSION

In this national emergency which imperatively demands the speedy balancing of the Budget, a tariff measure is entirely out of place. There is no time for the careful investigation of the plight of other industries, their comparative conditions, the complicated results, and all the numerous incidents accompanying tariff legislation. The proposed tax opens the door wide to demands by other industries equally distressed and with an equal measure of justice. The soundness of the principle that tariff legislation should not be confused with emergency revenue measures is made clear when we consider the confusion and delay that will inevitably follow the opening of the doors to these numerous demands for tariff legislation.

The proposed oil tariff is not only out of place but it will produce no revenue. Citizens might be resigned to added burdens of taxation even in these hard times if at least the taxes imposed resulted in revenue. But the only possible justification for the proposed tax disappears when we find not only lack of revenue but a direct and positive deficit to the Government itself on its own peace-time requirements for national defense.

It has been shown that the burdens to industry, to the wage earners, to commerce, to the farmer, to the home owner, which the proposed tax involves, will be many and far-reaching. It does not even have the redeeming feature of helping the independent oil producers, for whose sole benefit it is ostensibly proposed. The corporations that exercise a monopolistic control over the means of transportation, refining, storing, distributing, and selling the oil, certainly do not need it. And when, to top all, it appears that it is contrary to our established policy, and that it will substantially interfere with our foreign trade, it would seem that the last vestige of justification for including such legislation in the emergency revenue bill disappears.

PUBLIC LANDS FOR USE OF EASTERN NEW MEXICO NORMAL SCHOOL

Mr. EVANS of Montana. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (H. R. 6679) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 6679, which the Clerk will report.

The Clerk reported the title of the bill.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to substitute for the House bill Senate bill 1590.

The SPEAKER. The gentleman from Montana asks unanimous consent to substitute for the House bill the Senate bill S. 1590. Is there objection?

There was no objection.

The SPEAKER. The Chair lays before the House the Senate bill, which the Clerk will report.

The Clerk reported the title of the Senate bill.

Mr. STAFFORD. Mr. Speaker, I have no objection to the consideration of the Senate bill, but I wish it understood that it occupies the same legislative status as the other.

The SPEAKER. Certainly. The bill being on the Union Calendar, the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate bill, and the gentleman from Georgia, Mr. PARKER, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1590, with Mr. PARKER of Georgia in the chair.

The Clerk read the title of the bill.

Mr. EVANS of Montana. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS of Montana. This bill is designed to grant certain lands to the State of New Mexico. I yield to the gentleman from New Mexico [Mr. CHAVEZ] such time as he may desire for an explanation of the bill.

Mr. CHAVEZ. Mr. Chairman, the purpose of the bill is simply to carry out the noble purpose of advancing the greatest of all American institutions, the cause of education. New Mexico, as you know, is a large State and was originally settled only in the western portion. In 1912, when we were admitted into the Union, we were granted certain lands, and 200,000 acres of those lands were specifically set aside for normal-school purposes. The great eastern section of New Mexico was very sparsely settled at the time, but the men who drafted the constitution of our State, under the enabling act, realizing that eventually that part of the State would be settled, set aside out of the original 200,000 acres 30,000 acres for normal-school purposes within the eastern section of the State. Within the last few years many citizens of Texas, Oklahoma, Missouri, Ohio, and other parts of the country have gone into this particular territory, and I can inform the House now that practically 50 per cent of our high-school graduates come from within a radius of about 120 miles of the normal school that is intended to be benefited by this legislation. In 1927 the State of New Mexico created the Eastern New Mexico Normal School to meet the needs of the people of that section, and also sought to take the 30,000 acres originally set aside for that purpose, but we have not enough. This bill asks only for a grant of the acreage mentioned in the bill, so that this particular normal school will be on even terms with the normal schools in the oldest settled parts of the State. It is absolutely necessary that we have this legislation if we are to go forward in our State. It is sparsely settled, it is poor in wealth. The Government has large tracts of Government domain within that State, and all we ask, in all sincerity, of this House is to look at our condition and permit us to carry out this purpose. We are not asking for this land to do with as we see fit. All we ask is that this land be granted to the State of New Mexico and a trust be created to help us out with education.

Gentlemen will notice a report from the Interior Department with reference to this bill. There are no serious objections from this source. The members of the committee will recall that the last Congress passed legislation which created a public lands commission. That commission, appointed by the President under authority of this Congress, has gone into all of the 11 so-called public-domain States of the West and has reported back to this Congress and to the Executive authority that the remaining unreserved and nonmineral public domain be ceded to all of the States, and, carrying out the provisions of that report, there is now before the Public Lands Committee of the House an administration measure by which the States will get all of the public domain that is unreserved and unappropriated, without the minerals.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CHAVEZ. Yes.

Mr. STAFFORD. This bill does not extend to unsurveyed lands. It specifically provides for surveyed lands.

Mr. CHAVEZ. Yes. The other applies to unreserved lands remaining in the public domain, with the exception of what is reserved for forest reserves and other governmental purposes. If it is proposed to give to the States all of the public domain, we do not believe that we are asking at this time anything that is unreasonable, and I hope the Members of the House will help me to-day in carrying out the noble purpose of education in our State. That is all we ask.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. CHAVEZ. Yes.

Mr. SNELL. About what is the value of this land that you want given to the State?

Mr. CHAVEZ. I can answer that in this way. What is left of the public domain in New Mexico or elsewhere throughout the West is what you may classify in ordinary

parlance as "the leavings," it is the least valuable land that we could get. We could possibly lease it out for grazing purposes; and if you were to lease every acre, the most that we could get would be the average rental now paid in New Mexico for better lands, which would be 3 cents an acre. We have a provision in our constitution by which we are limited to a certain amount per acre in matters of sale.

Mr. SNELL. I can not see that this would be of very great value toward maintaining a normal school, if you could get only 3 cents an acre.

Mr. CHAVEZ. It would help us immensely. We hope that we may develop our other natural resources in the State, by which the State could carry on the greater burdens.

Mr. SNELL. That would be only about \$900 or \$1,000 a year.

Mr. CHAVEZ. The amount would be small. But to us it means as much as a million or two to somebody else.

Mr. SNELL. What is the average price paid for grazing land in the gentleman's State?

Mr. CHAVEZ. Under a constitutional provision we can not sell them for less than \$3 an acre, but even at that price it is impossible to dispose of it.

I will say to the gentleman from New York [Mr. SNELL] that of the land that has been granted to the State, which means millions of acres, we have only been able to dispose of some 100,000 acres by sale. It is impossible to sell it for the amount limited by the constitution of our State, under the enabling act. Does that answer the gentleman's question?

Mr. SNELL. Yes.

Mr. SMITH of Idaho. If the gentleman will permit, I wish to say that the President's Public Lands Commission recommends that all public lands, nonmineral in character, be given to the States.

Mr. SNELL. Would the States take them if they were given to them?

Mr. SMITH of Idaho. No; not as a general proposition, but in a case like this where the State wants 200,000 acres and for a specific purpose.

Mr. SNELL. Why would they not take it all?

Mr. SMITH of Idaho. Because the surface right alone would be of no advantage to them. The cost of administration would amount to more than the States would receive from the lands.

Mr. COLTON. It is a liability instead of an asset, in many instances, that is being transferred to the States.

Mr. STAFFORD. It is a policy of the States to throw the liabilities on the National Government and take the assets for their own benefit.

Mr. COLTON. If the National Government will give us fee-simple title to the lands, that is an entirely different proposition, but they are reserving all the worth-while lands and giving us the remnants, not worth anything.

Mr. EVANS of Montana. Mr. Chairman, I yield two minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, on yesterday the House made certain amendments in the estate tax. I have asked the Secretary of the Treasury, for our information, to submit an estimate of the yield under the Ramseyer amendment.

I ask unanimous consent to extend my remarks by including the letter of the Secretary of the Treasury, for the information of the House.

Mr. PATTERSON. Mr. Chairman, reserving the right to object, if I understand the gentleman this is a letter from Secretary Mills telling how much more this tax would yield under the Ramseyer amendment?

Mr. HAWLEY. This is an estimate of the Treasury Department of the additional revenue that the Ramseyer amendment will earn.

Mr. PATTERSON. It will earn more than the bill which the committee brought in?

Mr. HAWLEY. It was estimated that the estate-tax rates proposed by the committee in the bill would earn for the fiscal year 1933, \$25,000,000 over and above the amount produced under existing law. This estimate was made on the assumption that the bill would become effective at a

much earlier date than is now possible. If the bill should become law by May 1, the new rates under the Ramseyer amendment will be effective only during two months of the fiscal year 1933. On that assumption the estate-tax rates proposed by the committee would produce for the fiscal year 1933, \$12,000,000, while the Ramseyer amendment would produce some \$20,000,000 during the fiscal year 1933, or \$8,000,000 more than the amount that would be earned under the bill as reported by the committee.

Mr. PATTERSON. I shall not object, but I wish to make this observation: The gentleman from Iowa [Mr. RAMSEYER] is not here, and this is so far from what the gentleman estimated that I suppose it is about as correct as the estimate of the present Secretary of the Treasury when he asked the committee to return that \$190,000,000 to the taxpayers in 1929.

Mr. STAFFORD. Will the gentleman state what the total amount is? The membership is interested in that.

Mr. HAWLEY. The additional revenue estimated for the fiscal year ending June 30, 1933, is \$20,000,000, and for the next fiscal year is \$135,000,000. I submit the letter for the information and consideration of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The letter referred to is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 23, 1932.

MY DEAR MR. HAWLEY: You have requested that the Treasury submit an estimate of the probable yield of the revised estate tax rates which were adopted by the House of Representatives in Committee of the Whole as an amendment to section 401 of H. R. 10236, the so-called Ramseyer amendment. I am glad to comply with your request.

The additional revenue to be derived under the Ramseyer amendment during the first full fiscal year in which those rates will be effective, that is, the fiscal year 1933-34, will, in our judgment, not exceed \$135,000,000. This is a liberal estimate.

So far as the fiscal year 1933 is concerned, for which the House of Representatives is now budgeting, the amendment will not in all probability yield much in excess of \$20,000,000. It is obvious that the proposed tax bill can not become law before the first of May, if then. The new rates would only apply to the estates of decedents dying after the new law goes into effect. The estate-tax returns and the Federal estate tax are not due until a year after the date of death, and payment of the tax may be postponed under certain conditions for a period of three years. It is apparent, therefore, that under the most favorable circumstances payments under the new rates will only be received during the last two months of the fiscal year 1933.

I note that during the debate of yesterday in the House it was suggested that the new estate tax rates will yield for a full year between \$500,000,000 and \$600,000,000. This estimate obviously was based upon returns for estates filed in the calendar year 1930. Estate-tax returns filed during the calendar year 1930 cover for the most part estates of decedents who died during the calendar year 1929. Estates are valued as of the date of death. It is well known that values during most of 1929 were grossly inflated. Any estimate based on 1930 returns, therefore, reflects grossly inflated values and can not in the very nature of things represent a fair basis on which to forecast future returns.

Stocks and bonds ordinarily constitute a large proportion of the larger estates. The standard statistics index of more than 400 selected stocks averaged about 190 during the calendar year 1929. This same index at the present time stands at about 60, representing a decline of about two-thirds. Nothing could indicate more clearly the fallacy of basing future estimates of estate-tax yields on 1930 returns, which represent 1929 values.

In making estimates of the yield from estate taxes during the fiscal year 1933-34 we are bound to take into consideration values and prices likely to prevail during the last six months of the calendar year 1932, as well as the first six months of the calendar year 1933. Our estimate of \$135,000,000, while taking into consideration the present low level of values and prices, does make adequate allowance for improvement during those periods. Furthermore, owing to the period over which postponement of payments is possible and likely in view of the difficulties attending the settlement of estates under existing conditions, property values as in the fiscal year 1932-33 will not only affect collections in the fiscal year 1933-34 but will be reflected in collections even beyond that year.

The important fact to be noted in connection with the revenue bill now pending before the House and intended to furnish adequate revenue for the fiscal year 1933 is that increased estate-tax rates can not be made effective in time to have any real influence on 1933 revenues.

Sincerely yours,

OGDEN L. MILLS,
Secretary of the Treasury.

HON. WILLIS C. HAWLEY,
House of Representatives, Washington, D. C.

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Is there any member of the committee opposed to the bill? If not, the gentleman from Wisconsin [Mr. STAFFORD] is recognized.

Mr. STAFFORD. Mr. Chairman, I take the floor largely to gain some information, part of which has already been furnished by the gentleman from New Mexico.

There is an adverse report by the Commissioner of the General Land Office against this bill. He concludes his memorandum to the Secretary of the Interior, dated January 18 of this year, in the following language:

It has not been the policy of the department to recommend further grants of lands to the States for specific purposes, except in case of some special or urgent need for such grant.

His memorandum also shows that the Government has been more generous in the granting of public lands to the Territory and State of New Mexico than in any other instance. We have up to the present moment, without regard to this further grant, conveyed to New Mexico, while a Territory or State, 12,000,000 acres. The gentleman says that of this 12,400,000 acres the State has only disposed of 100,000.

Mr. CHAVEZ. In the way of sale.

Mr. STAFFORD. In the way of sale, because the lands can not be disposed of under the statutory limitation of price fixed by the constitution.

Mr. CHAVEZ. That is right.

Mr. STAFFORD. Now I yield to the gentleman from New Mexico.

Mr. CHAVEZ. At first glance one would think that the fact we have 12,000,000 acres when some other States only have 8,000,000 would prove that we were getting more; but it does not prove that we are getting more, for the reason that possibly 1,000 acres in Montana or Wyoming are more valuable than 50,000 acres in our State. Values are not measured by acreage.

Mr. STAFFORD. But the fact that there have been some valuable sectional lands granted to New Mexico, more than there have been to some of the other States.

Mr. CHAVEZ. Yes.

Mr. STAFFORD. The State of New Mexico is not as barren as the Great Desert of Nevada.

Mr. CHAVEZ. Well, we are pretty barren in places.

Mr. STAFFORD. In some places, but not quite as arid as the State of Nevada.

Mr. CHAVEZ. But under our constitutional limitation a cow man could not buy land at \$3 an acre and get by at all. That is impossible, and anyone who knows anything about conditions in the West knows you can not buy certain lands at \$3 an acre and make a living.

Mr. STAFFORD. The commissioner goes on to say:

In addition to these grants, a further grant of 250,000 acres was made by the act of Congress approved May 28, 1928, in aid of said railroad bond fund, making in all more than 12,650,000 acres granted to New Mexico for educational and other purposes.

Mr. CHAVEZ. That is right.

Mr. STAFFORD. Now I wish to direct this inquiry. Of course, we are all sympathetic with the purpose of having our public lands used for school purposes. How much of the public lands that have been previously granted to New Mexico are being used for that purpose?

Mr. CHAVEZ. I will say to the gentleman from Wisconsin that out of the trust created by those grants New Mexico gets something like \$1,500,000 a year for school purposes.

Mr. STAFFORD. How do they receive that \$1,500,000?

Mr. CHAVEZ. The gentleman means through what process?

Mr. STAFFORD. Yes.

Mr. CHAVEZ. They lease the lands, and the rental from those lands goes for school purposes.

Mr. STAFFORD. Do they lease the land for grazing purposes?

Mr. CHAVEZ. Mainly for grazing purposes. I should say that 98 per cent is leased for grazing purposes alone.

Mr. STAFFORD. What is the character of the land purposed to be conveyed to New Mexico under this act?

Mr. CHAVEZ. This is what is referred to as a floating grant; that is, you can not get all the acreage in one block. The process would be as follows: If this bill were to become a law the New Mexico land authorities would select some land and make a request on the General Land Office in Washington. The General Land Office would then clear-list this land and say whether or not it would come within the purview of this law. We can not say we want this particular piece. We may go there and, due to the character of the land, say we want this section and that section and that section. Then that request is submitted to the General Land Office and they clear-list it if it comes within the law.

Mr. STAFFORD. I notice this bill delimits all mineral land from its operations.

Mr. CHAVEZ. Yes.

Mr. STAFFORD. Is any of the proposed land capable of being included in reclamation projects?

Mr. CHAVEZ. Not in any reclamation project, not an acre, I will say to the gentleman.

Mr. SNELL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SNELL. I would like to know how they arrive at 76,667 acres?

Mr. STAFFORD. That is a very pertinent inquiry.

The gentleman says this is a floating grant. How does the State of New Mexico arrive at the specific number of acres that are desired in addition to the 12,000,000 they already have?

Mr. CHAVEZ. Those figures bothered me a little bit at first, so I wanted to know the reason why. I inquired of the Senator who introduced the original bill, and I was advised that those figures were only put in there for this purpose—it could have been 80,000 or 75,000—

Mr. SNELL. It seems to me it would have been better to say 70,000 acres. There must be something back of it.

Mr. CHAVEZ. No. These figures, together with what we already have for this particular school, would bring this school on even terms with our other two normal schools.

Mr. SNELL. Making 250,000 acres for the support of this school?

Mr. CHAVEZ. No; 30,000 acres plus what is provided in this bill.

Mr. SNELL. As I understand the gentleman, the total income of the State of New Mexico for this purpose is about \$1,500,000.

Mr. CHAVEZ. Something like that.

Mr. SNELL. I can not understand how that amount of money can be received by the State of New Mexico when, as I understood the gentleman, these lands are leased for 3 cents an acre for grazing purposes.

Mr. CHAVEZ. Of course, a lot of these lands, in certain sections of the State, are leased for oil purposes. I will say to the gentleman from New York that if New Mexico were allowed to develop its oil industry the way it should, we would not be asking for a meager \$2,000 or \$3,000 a year, as we would get under this bill, and for this reason: We have one particular oil field in the eastern section of the State which has a potential proven capacity of over 1,000,000 barrels daily. Much of that is in Government lands and some in State lands.

Mr. SNELL. But that has nothing to do with this bill?

Mr. CHAVEZ. No. But we could get more revenue if we were allowed to do that than we will get under the present bill.

Mr. SNELL. I can not understand how the State gets an income of \$1,500,000 at 3 cents an acre.

Mr. CHAVEZ. I think I told the gentleman heretofore that we are leasing some for other purposes.

Mr. SMITH of Idaho. This is all nonmineral land?

Mr. CHAVEZ. Yes; it is.

Mr. STAFFORD. This is only another instance where the National Government is being called upon to dispose of some of its property, not for the benefit of the people of the

United States but for the benefit of an individual State. We adopted the policy when we granted statehood to New Mexico of giving it certain sections of land for school purposes. Under the enabling act we gave to New Mexico as much land as we gave to any other State.

This land has value. You are asking the National Government to give up something of value for the support of the school system of the State of New Mexico. It is on a par as if we had a bill here asking the National Government to contribute a certain amount of money out of the Treasury of the United States for the support of the school systems of the respective States.

Mr. CHAVEZ. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CHAVEZ. Does not the gentleman from Wisconsin know that there is a proposal before Congress now by which we will get all of the public domain and not simply 70,000 acres?

Mr. STAFFORD. That is a proposal recommended by a commission, but it has not been acted upon by Congress. The public lands not disposed of are the property of the people of the United States.

Mr. CHAVEZ. May I interrupt the gentleman there?

Mr. STAFFORD. Yes.

Mr. CHAVEZ. Does not the gentleman from Wisconsin understand that the public policy involved here means the advancement and education of intelligent people in this country which will be beneficial to the country at large, I am sure?

Mr. STAFFORD. New Mexico has taken a counter policy to that which my own State took; and I wish to compliment the Legislature of New Mexico in taking the advanced stand which the people of Wisconsin did not take in holding the land that the Government of the United States gave to the State upon its admission to statehood, and which lands were sold years back at a very nominal price with little returns for the benefit of education. They were valuable timberlands.

New Mexico is going to profit by this policy, and I rather commend the Legislature of New Mexico, and am inclined to withdraw my opposition to this bill because the legislature places a definite, fixed value on the land so that it can not become the prey of timber exploiters at the present time, and will ultimately redound to the benefit of the school system.

There was abuse so far as Wisconsin is concerned, and I can only speak of my own State, in the early years, and the valuable timber lands that were granted to the State with a trust impressed upon them that they should be used for school and university purposes were sold for a mere song and were subjected to the speculation of timber interests. The State suffered in not receiving the revenue that it should have received by holding the school lands for present-day use to educate our people, not only to-day but in the future.

I am going to withdraw my opposition to this bill because of one fact, and one fact alone, that the State of New Mexico has placed a limit of value at which these lands can be sold, knowing that limit is not capable of being reached to-day but that future generations will get the benefit that Congress intended in the transfer of these lands for school purposes. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. EVANS of Montana. Mr. Chairman, I would like to say just a word about this bill. Two years or so ago the President of the United States recommended that the unreserved and nonmineral public lands be turned over to the several States. After a fight in the House we got through a bill appropriating \$50,000 to make a survey and a report upon this question. Ex-Secretary Garfield and others were appointed upon this commission, and the committee made its report, recommending that we turn over all these lands to the States. The bill is now pending before us, and here comes a bill providing that we shall turn over 30,000 acres to the State of New Mexico. If the administration at present wants to turn them all over to the States, why not

turn over this tract of 30,000 acres while we are determining whether we shall turn all these lands over to the States? I think the bill should be passed.

The Clerk read the bill for amendment.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1590) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. EVANS of Montana. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EVANS of Montana, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

POLICE JURISDICTION OVER BLACKFEET HIGHWAY, MONTANA

Mr. EVANS of Montana. Mr. Speaker, I call up the bill (H. R. 8914) to accept the grant by the State of Montana of concurrent police jurisdiction over the rights of way of the Blackfeet Highway, and over the rights of way of its connections with the Glacier National Park road system on the Blackfeet Indian Reservation in the State of Montana.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8914, with Mr. PARKER of Georgia in the chair.

The Clerk read the title of the bill.

Mr. EVANS of Montana. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS of Montana. Mr. Chairman, this bill is designed to concede to the Federal Government jurisdiction over a road running through the Blackfeet Indian Reservation, a road that enters the Glacier National Park at one point, runs through the Indian reservation and again enters the park.

The topography of the country is such that the road can not be run wholly within the park, because of the mountainous conditions. Therefore, it must run outside the park for a distance and on the Indian reservation.

There is really no police protection for that road or for travelers upon the road after they leave the park until they again enter the park. The State of Montana has asked that the Government of the United States assume the control over it as it runs through the Indian reservation.

I know of no objection to the bill except a seeming constitutional objection to the Government of the United States taking jurisdiction over a matter of this kind.

I now yield to the gentleman from Montana [Mr. LEAVITT], the author of the bill.

Mr. LEAVITT. Mr. Chairman, the chairman of the committee, the gentleman from Montana [Mr. EVANS] has quite thoroughly stated the case. In 1910 the Glacier National Park was established and taken under administration. It was necessary to construct highways to and through the park. On the eastern side of the Glacier National Park lies the Blackfeet Reservation. There is no land touching the park on the east that is not within the Blackfeet Reservation.

The first highway built in 1910, from the park station to Glacier National Park, was constructed by a private railroad company and turned over to the jurisdiction of the National Park Service.

The National Park Service has always had jurisdiction of the highway, but as years went by it became necessary to build a much better road to take care of the travel through the park.

That reconstruction was brought about under the Federal highway act. The road between the Glacier National Park station and the Canadian border was built as a part of the 7 per cent system in Montana. It has been necessary to change its location to some extent, and the question arose whether the old jurisdiction of the Park Service extended over the road as reconstructed. It was the opinion of the solicitor of the department that this road, having become a State road under the Federal law, could not be taken under the jurisdiction of the Park Service without the consent of the Legislature of Montana.

In 1929, in order to meet that situation, the Legislature of Montana passed an act which conferred on the Federal Government joint jurisdiction over the road. The purpose of this bill is the protection of the public who visit the Glacier National Park.

It must be remembered that this road is in a part of the State of Montana that is entirely uninhabited, with the exception of a few scattered Indian families who have allotments in that section. It is used mostly in connection with travel to and in the national park. There is no policing over this highway, and there can be none except that which is given by the Park Service. People go to the Glacier National Park from all parts of the United States and from all parts of the world. That travel is continually increasing. This road could not be built within the boundaries of the Glacier National Park in most of its mileage because of the contour of the country. It was necessary to go outside the boundaries of the park and run through the Indian reservation. It has leading out from the trunk road itself feeder roads that lead into the national park in three or four different places. We are now completing the construction of a transmountain highway that will cross through Glacier National Park by way of Logan Pass, and that will greatly multiply travel into Glacier National Park. The people of the United States and of the world visiting the Glacier National Park are entitled to protection on the road. That can not be given to them except by the enactment of this legislation. This legislation will not cost the Government of the United States one cent more than it spends now. In order to police the highways within the park it now is necessary for the motor-cycle police, generally consisting of only one man and sometimes in the rush season of two, to travel over the entire length of this road, so that it will take no more men than now are used and necessary.

But they have no direct jurisdiction at the present time except that they can stop a man who is speeding or driving in a dangerous way and admonish him. They have no authority to do anything beyond that on the great proportion of the road that is outside of the park itself.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. BRIGGS. How much use is made of this highway by the public?

Mr. LEAVITT. A great deal of use. During the park season of about three months probably 50,000 to 60,000 people would travel over this highway.

Mr. BRIGGS. What is the length of this portion?

Mr. LEAVITT. The length outside of the national park is about 60 miles. The distance between Glacier Park and the entrance to Canada is 52 or 54 miles, and these spurs that lead into the various places of interest within the park vary in length from 13 to 2 miles, with probably half of that mileage outside of the park.

Mr. BRIGGS. And this imposes no obligation upon the Federal Government except that of policing the highway?

Mr. LEAVITT. That is all, and that is all of the authority given in this act. It is intended only to protect the people who visit the national park by putting an end to speeding and improper driving. One life has been lost on

that highway up to the present time, and five or six rather serious accidents have occurred, without any police authority to control the situation and no valid reason to expect that the State of Montana should establish a motor-cycle protection of that particular piece of road. The State of Montana has no such system on any of its roads. Montana is tremendous in area and very small in population, and has never established a State police system to control travel on its highways. But here is a place of congested travel where that kind of protection is necessary, and where it can only be had through the enactment of this legislation, accepting the grant by the State of Montana of concurrent jurisdiction. Concurrent jurisdiction is suggested because the tourist season extends for only three months of the year, and through the remainder of the year the park tourist travel is not going over that part of that particular road. It should at other times have the same jurisdiction as any other road on an Indian reservation or any other place in Montana. During the tourist season the protection of people in life and limb requires the enactment of this legislation.

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the bill, if no member of the committee is opposed to the vital principle involved in this bill.

The CHAIRMAN. Is any member of the committee opposed to the bill?

Mr. EVANS of Montana. None that I know of.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, were it not that the Committee on Military Affairs in the last Congress had similar legislation before it for consideration, involving the policing of the highway from the Key Bridge to Fort Myer, perhaps I would not be so strongly opposed to the principle involved herein. A very efficient and capable representative then representing the Virginia district across the Potomac, Mr. R. Walton Moore, strongly urged that the National Government should take over jurisdiction of policing the highway leading through the villages on the other side of the bridge to Fort Myer and beyond. It involved a constitutional question of most vital importance, considering the polity that should exist between the National Government and the State governments. Mr. Moore, reared upon the principle of State rights, that a State should not confer any of its sovereignty upon the National Government, was willing to have the National Government interpose its police power on that highway to the extent of punishing all offenses that might be committed there at any time.

I do not know of another instance in the history of the Government where the National Government has been asked by a sovereign State to take jurisdiction over highways exclusively outside of our national parks and other Government reservations.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LEAVITT. This is not such a case as the gentleman suggests. This is a case in which the Federal Government asked the State to pass an act conferring concurrent jurisdiction upon the National Park Service in order that it might give protection to the people visiting that park.

Mr. STAFFORD. I understood from a reading of the bill that the State of Montana has already voted to confer jurisdiction upon the National Government over offenses committed on this highway.

Mr. LEAVITT. Yes. That was done by the State legislature in 1929; but at the suggestion of the Federal Government, in order that the Federal Government, which has its police force there, may protect it properly, this bill was proposed.

Mr. STAFFORD. Whether at the suggestion of the National Government, it does not infringe upon the statement I made that never before in the history of this Government have we, with consent or without consent, assumed police jurisdiction of highways outside of Government reservations.

Mr. LEAVITT. This is on an Indian reservation.

Mr. STAFFORD. Oh, yes. The enabling act here does not state that this policing shall be limited only as long as this highway is within an Indian reservation.

Mr. LEAVITT. And it should not be so limited.

Mr. STAFFORD. The gentleman from Montana goes to the very limit of surrendering all State authority and making the appeal in mendicant fashion, that they are not able, the great State of Montana is not able, to properly police its roads, but must call upon the National Government to do that which is essentially a State function.

Mr. LEAVITT. Will the gentleman yield further?

Mr. STAFFORD. I yield.

Mr. LEAVITT. The statement has been made that Montana is approaching the Federal Government in mendicant fashion, asking this. The State is not doing anything like that. The State has passed an act of its legislature conferring this concurrent jurisdiction, at the request of the Park Service.

Mr. STAFFORD. The State of Montana is surrendering its jurisdiction to the National Government, over essential police powers, over a highway that may ultimately be a public highway outside, and having no connection whatsoever with any national reservation.

Mr. LEAVITT. Will the gentleman yield again?

Mr. STAFFORD. Yes.

Mr. LEAVITT. The State of Montana nowhere within its boundaries has a police force on its highways.

Mr. STAFFORD. If it has not, then it should have, and the State of Montana is calling upon the National Government to do that which the State should do.

Mr. LEAVITT. Will the gentleman please allow me to complete my statement? The gentleman surely would not suggest that the State of Montana should go to one 60 miles of road and establish a police force to take care of the travel that is almost entirely due to the existence of a national park, when it is not able to do it anywhere else in the State?

Mr. STAFFORD. That argument shows the vice of the very principle involved in this bill. If we do it here, we will be called upon to do it in every instance where a highway leads into some kind of reservation. We will be called upon to do it, for instance, on Sheridan Drive, in Illinois, leading up to Fort Sheridan, and the Great Lakes Naval Training Station, because it might be claimed that most of the traffic on that highway is occasioned by going to the respective institutions. That is the vice of this precedent that is being established here, and I now call upon the gentleman, with all his erudition, to cite a concrete case where before in the history of the Government we have ever assumed police jurisdiction over highways outside of our reservations.

Mr. LEAVITT. I can not give any other case where so much of the road is outside of the boundaries of a national park, of course, because there is none. But at the same time when the Rocky Mountain National Park was created in Colorado it had crossing it numerous roads built by counties and by the State, and the State of Colorado conferred jurisdiction upon the Federal Government for that very purpose. It happened that those were within the boundaries of the park, but jurisdiction was entirely under the State.

Mr. STAFFORD. That is not a comparable case. That is the same as where the States have deeded property for national soldiers' homes, as in my home city. It is a well-established policy that the State surrenders all jurisdiction over that reservation to the National Government. Has the gentleman any other instance comparable to this? I take issue that there is any case in the history of the Government where we have done what we are attempting to do here for the first time.

Mr. LEAVITT. Since 1910 this road in its first and present location has been operated and maintained by the Federal Government as a part of the highway system of the Glacier National Park. It merely happens that in the running of the boundary line the contour of the country was such that the highway could not be constructed entirely within the

boundaries. It is in every way a part of the highway system of the Glacier National Park.

Mr. STAFFORD. Oh, yes; operated and maintained by the National Government, our national highway system. It is but an easy step for the National Government to take jurisdiction over all publicly aided highways, because the National Government has contributed to the maintenance and operation. There is no well-defined difference between the gentleman's case and that which I have cited. It is only one of degree.

Mr. LEAVITT. The gentleman left out a part of my statement. I said "operated and maintained by the Federal Government as a part of the highway system of the Glacier National Park." The gentleman left out the last part of the statement.

Mr. STAFFORD. Yes. There are others similarly situated. Roads lead into the Yosemite National Park, but the National Government has not policed those highways. It is policed, and properly so, by the State of California. The State of California is not a mendicant.

Mr. LEAVITT. No; and neither is the State of Montana.

Mr. STAFFORD. The State of California is profiting by the large numbers that enter the Yosemite National Park, but the State of Montana is not willing to do its proper share in the receiving of large support by tourists that go to that State, but they say, "No; we will ditch upon the National Government all the liabilities that we can, even though they properly belong to the State government."

Mr. LEAVITT. Of course, the gentleman's statement seems unfair.

Mr. STAFFORD. I do not want to make an unfair statement to the State of Montana. But I do say—and the gentleman will not challenge this statement—that the State of Montana is trying to transfer a duty which properly belongs to it to the National Government.

Mr. LEAVITT. Will the gentleman contend that on an Indian reservation, without any white settlement in that section, it is the duty of the State of Montana to put on motorcycle police to patrol the only road that would be patrolled on that reservation or elsewhere?

Mr. STAFFORD. The gentleman refers to an Indian reservation. How long is it going to be an Indian reservation? We are providing for all time.

Mr. LEAVITT. It will be an Indian reservation for many years.

Mr. STAFFORD. It will be only a question of time—I will not be here, but the gentleman from Montana will probably be—before the gentleman from Montana will be seeking to have that Indian reservation opened to private settlement.

Mr. LEAVITT. No; I will not. That will never be done by any bill introduced by me, for it belongs to the Indians.

Mr. STAFFORD. Let that be as it may. I do not profess to be a constitutional lawyer, but I have given some study to constitutional subjects. I remember that when I first entered upon the study of the law my preceptor, who was later a member of the court, suggested that there was no need of giving close study to constitutional questions, because I would not have occasion to use them for 20 years. Well, I subsequently attended a law school, where I did study constitutional law as well as it could be studied, and I have naturally given some consideration to constitutional questions since. The section involved in the subject before us is clause 17 of section 8 of Article I. I will read it.

Mr. EATON of Colorado. Will the gentleman yield for a question before he reads the Constitution?

Mr. STAFFORD. Yes.

Mr. EATON of Colorado. I want to say, for the benefit of the gentleman from Wisconsin, that probably his experience has not put him in a position where he could find out what the Department of the Interior does and how the members of the Appropriations Committee of the House of Representatives badger these States in an effort to compel them to do the very thing about which the gentleman is complaining. In connection with the Rocky Mountain National Park, which was mentioned, and the Mesa Verde National Park, which was not mentioned, the Legislature of

the State of Colorado, year after year, from 1915 to 1929, was requested to give up its sovereignty. For 14 years they resisted that request, but in 1929 the demand was made in connection with all of the appropriations dealing with the national parks, and the Legislature of Colorado of 1929 did yield and do the thing the gentleman complains of; that is, they permitted the United States, upon the demand of the Department of the Interior, to have the United States officials police the roads and the entrances as well as the inside of the national parks. I am sure the gentleman never heard of it before. I am sure that if he had heard the chairman of the subcommittee last year, in the Seventy-first Congress, talk about these very things he would not take the position he is taking here to-day.

Mr. STAFFORD. I am not at all surprised that the heads of bureaus wish to increase their authority. I wish to say to the gentleman that I have learned that the natural propensity of bureau chiefs and bureau officers is to increase their authority. I learned that more than 25 years ago, when the gentleman was in swaddling clothes as compared to service in the House of Representatives. That was one of the first lessons I learned in my legislative work, that every head of a bureau and every head of a department wants to magnify the importance of his work, and Congress has the problem always to try to keep them within their proper spheres. Now, after giving that kind and considerate reply to my friend from Colorado, I will proceed to read the provision of the Constitution which I think is applicable in this case. You will notice, gentlemen, that the bill under consideration—and I am speaking very emphatically about this—I do not want to weary the House, and wish to assure the Members that we are going to finish the Calendar this afternoon in an expeditious way—provides for concurrent police jurisdiction over these highways. I wish to call the attention of the House, and particularly the attention of the constitutional lawyers of the House, to clause 17 of section 8 of Article I. It is the applicable clause.

To exercise exclusive—

Not concurrent—

legislation in all cases whatsoever over such District—

That is, the District of Columbia—

(not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, and arsenals, dock yards, and other needful buildings.

I bottom my position in opposition to this bill upon the fact that there is nothing in the Constitution which grants to the Congress the right to accept from a State concurrent jurisdiction over any property that is not otherwise designated in this section.

There is a reason why the framers of the Constitution made this exclusive jurisdiction as to the designated places, and there is reason also in recognition of the existing polity that was then very sacred to the framers of the Constitution and the founders of the Government, that certain jurisdiction properly belonged to the States and other jurisdiction properly belonged to the National Government. In every instance in the history of our Government, where the people have gone awry on this fundamental principle of transferring to the National Government jurisdiction over matters which are essentially of State concern, the consequences have been detrimental to efficient government.

Mr. YON. Will the gentleman yield there?

Mr. STAFFORD. Yes.

Mr. YON. In connection with this question, the road is built in a location available for the use of people that want to go to the parks, but it happens to be on a Government reservation in that it is an Indian reserve. Does not the gentleman think the Constitution would apply there?

Mr. STAFFORD. I will say to the gentleman, in all frankness, that I am not opposing this bill with nearly the degree of opposition that I would have opposed the proposal

to establish a national park in marsh land down at the southern end of Florida—

Mr. YON. We are not discussing that proposition now.

Mr. STAFFORD. Because the main purpose of that bill was to spend money for the building of roads through that marsh and along the seacoast for the pleasure seekers of the country at the expense of the National Government.

I can not yield to the gentleman further.

Mr. LOOFBOUROW. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LOOFBOUROW. The gentleman from Wisconsin recognizes the fact that the Constitution of the United States is a grant of power by the States to the Federal Government, and the provision there specifies what power the Federal Government shall have. Here is an instance where a State expressly consents that there shall be concurrent jurisdiction. Can there be any objection to that under the Constitution?

Mr. STAFFORD. Yes; because it violates the fundamental principle of the Constitution that that which belongs to the States shall be held by the States, and that which belongs to the National Government shall be held by the National Government.

Mr. LOOFBOUROW. The State here expressly consents through its legislature and offers this jurisdiction.

Mr. STAFFORD. Yes; but jurisdiction outside of expressed limitations of the Constitution can not be conferred by mere legislative dictum. The legislature of a State could not confer upon the Federal courts jurisdiction over crimes committed outside of Government reservations, even with the assent of Congress, because such a grant of power is not within the scope of the National Government under the Constitution. I have now set forth the basis of my objection.

I reserve the balance of my time, and yield 10 minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, I am opposed to the enactment of this bill. I am not opposed to the purpose desired by the committee reporting it. I am opposed to the enactment of this type of class legislation because of the consequences that will follow.

The Park Service lands are near this highway. The Park Service lands are rugged and the building of a road through these lands was difficult, with the result that the road was built through a near-by Indian reservation. The Park Service has its court, the State of Montana has its courts, and a crime of any kind committed on this highway, which is in the Indian reservation, is triable in the courts of the State of Montana. This bill undertakes to give to the Federal court the right to try offenses that are committed on this highway, which is not within the Federal jurisdiction.

If a State can transfer jurisdiction over offenses committed within its boundaries from its State courts to the Federal courts, and the Congress in turn can assume jurisdiction of offenses committed wholly within the jurisdiction of the State, the consequence will be that in time every crime triable in State courts can ultimately be transferred to Federal courts and State courts will disappear.

Mr. LOOFBOUROW. Will the gentleman yield?

Mr. COLLINS. No; not now.

Efforts to pass legislation of this type have been made in this House before. I refer to the antilynching bill. This legislation is of the same type. There is just as much constitutional authority to transfer jurisdiction in the one case as the other. I want to warn you that when you attempt to transfer to the Federal courts authority to try cases in the Federal courts involving crimes committed wholly within the jurisdiction of the State, you are attempting to barter away a power that under the Constitution I am convinced belongs exclusively to the States. Hence, when this bill came on the floor of the House on the Consent Calendar I objected to it.

I feel that the Park Service ought to be helped, if it can be helped. Under existing circumstances these cases can be tried now in the State courts, and the distance to the nearest

State court is very little longer than the distance to the district Federal court.

Mr. SWING. Will the gentleman yield at this point?

Mr. COLLINS. I yield.

Mr. SWING. If this should be undertaken to be availed of as a preference, of course, there would have to be an act of your State legislature consenting to it.

Mr. COLLINS. No; I do not concede that the States have the right by legislative enactment to transfer to the Federal courts jurisdiction that the Constitution of the United States imposes solely upon them.

I am not objecting to this bill because it affects one section. I objected to a similar bill transferring jurisdiction over offenses committed on the highway that runs from Washington to Fort Myer because the same question was involved there.

Mr. LOOFBOUROW. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. LOOFBOUROW. If the acts are committed on the Indian reservation, the Federal law applies and the Federal court would have jurisdiction. This road runs entirely through the Indian reservation and it does not change the jurisdiction.

Mr. COLLINS. The jurisdiction now is in the State court. The Director of the Park Service told me a few minutes ago that offenses committed on this highway are triable in State courts.

Mr. Chairman, I yield back the remainder of my time.

Mr. LEAVITT. Mr. Chairman, if I thought there was any possibility of any such result, as suggested by the gentleman from Mississippi, I would not be presenting this bill here.

Here is a case where the government of the State has been turned over to the Federal Government for supervision and control of the road within certain limits. All this bill does in effect is to establish concurrent police jurisdiction over the right of way over which the road runs, and which is really a part of the Glacier Park highway system. It says that so far as the protection of the public is concerned it shall be under the same rules and regulations as the area within the national park which is served by this highway. That is all there is to it.

There is in it no jurisdiction, except over speeding and reckless driving. It has nothing to do with general jurisdiction over criminals. It only allows the jurisdiction of the Park Service to be extended over the right of way for the protection of the traveling public. This is in reality a part of the highway system of the national park.

Mr. COLLINS. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. COLLINS. The way this ought to be handled is to get a bill through Congress transferring this road to the national park. Then the Federal courts will have jurisdiction of offenses committed on it.

Mr. LEAVITT. That is probably true, but the road runs over an Indian reservation.

Mr. COLLINS. The suggestion I made to the gentleman is the proper way to handle the matter. The gentleman from Mississippi [Mr. RANKIN] introduced a bill and it is now the law making the road from Corinth, Miss., to Shiloh National Park a part of the Shiloh National Park. You could do the same in this instance.

Mr. LEAVITT. You could not do it immediately, for the reason that the Indians would have to consent to have the transfer of the jurisdiction. Without their consent, I would not ask for it. If there ever comes a time when the Indians are willing to have it done, that would, of course, be a happy solution. Meanwhile this bill merely gives jurisdiction, police control, over speeding and reckless driving on the highway used by the people of the United States, for their protection. It is not for the benefit of the Park Service or for the State of Montana. It is for the benefit of the people of the whole country who travel there. If the contour of the land were such that a road could be constructed with the boundaries of the park, it would then be under the jurisdiction completely of the Park Serv-

ice, but it can not be built within the boundaries of the park, because the country is too rough. So, with a general agreement on the part of the State and at the request of the Federal Government, through the Park Service, this bill proposes to accept the grant given by the State of Montana of concurrent police jurisdiction on the highway.

Mr. EVANS of Montana. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Montana, approved February 27, 1929, granting to the United States concurrent police jurisdiction over and within all the territory which is now or may hereafter be included in the rights of way of the Blackfeet Highway, including the highway itself throughout its length between Glacier Park Station and the Canadian boundary line, and including also the rights of way of the highways on the Blackfeet Indian Reservation connecting the Blackfeet Highway with the Glacier National Park road system, including the highways themselves, are hereby accepted, and the laws and regulations of the United States relating to and while in force within the Glacier National Park, so far as applicable, are hereby extended over and within the territory of said rights of ways and highways.

SEC. 2. The Secretary of the Interior shall notify in writing the Governor of the State of Montana of the passage and approval of this act, and so far as the interests of the United States shall require the said Secretary shall exercise administrative control and jurisdiction over said rights of way and highways through the National Park Service.

SEC. 3. The United States commissioner for the Glacier National Park shall have jurisdiction under the provisions of the act of August 22, 1914 (38 Stat. 699), of violations of law or the rules and regulations of the Secretary of the Interior in force within said rights of way and highways.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8914 and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 23, noes 8.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING SAN DIEGO, CALIF., CERTAIN INDIAN LANDS

Mr. EVANS of Montana. Mr. Speaker, I call up the bill H. R. 10495, amending an act of Congress approved February 28, 1919 (40 Stat. L. 1206), granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes, so as to include additional lands, which I send to the desk and ask to have read.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union and the gentleman from Georgia, Mr. PARKER, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10495, with Mr. PARKER of Georgia in the chair.

Mr. EVANS of Montana. Mr. Chairman, I am advised that this bill is an emergency matter for the purpose of securing water for one of the cities on the Pacific coast. I yield to the gentleman from California [Mr. SWING], the author of the bill, to make a statement in respect to the bill.

Mr. SWING. Mr. Chairman, in 1919 Congress passed an act transferring the title to 1,940 acres of land to the city of San Diego to build a reservoir for which the city was to pay a price determined by a condemnation suit. The proceedings under that act have all been complied with, and the city was ready to build the dam when it found that the amount of land which it had asked for in 1919 was not quite sufficient to take care of the reservoir that they now plan to provide water required for the increased population of the city of San Diego. Nine hundred and twenty additional acres will be needed. Therefore, they come back to Congress and ask permission to purchase these additional 920 acres at the same price they paid for the other and have it included in the reservoir site with what they purchased in 1919. The city is ready to let the contract. It will aid in the effort to relieve unemployment in that part of the country. The water is badly needed for the increased population of the city. There are provisions in the bill that have been requested by the Government in the interest of the Indians, which have been agreed to by the city and approved by the committee. I sincerely trust that the bill will be passed.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Montana yield me 15 minutes?

Mr. EVANS of Montana. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the report of the Commissioner of Indian Affairs is rather involved. I wish to make some inquiry to rather remove some doubts I have about the bill. Back in 1919 we granted to the city of San Diego certain flowage rights in this Indian reservation in consideration that they would pay for the 1,940 acres the sum of \$75,000, and in addition thereto that they would pay the award that would be determined by the Secretary of the Interior for damages that the Indians might suffer by reason of the removal of their homes from these inundated lands, which amounted, according to the report of the Secretary of the Interior, to \$286,428, or a total for land and damages of \$361,428. By this bill you are seeking to secure additional land because it is the desire of the city of San Diego to raise the crest of the dam some 20 or 27 feet, which will take an additional 920 acres. For these 920 acres you are paying nearly the same rate that you paid for 1,940 acres, but you are not making any provision whatsoever for any damages the Indians may suffer by reason of the inundation of this land, as you did in the other case. Why?

Mr. SWING. The reason is obvious.

Mr. STAFFORD. It is not obvious from the report. I read every line of it, almost until midnight last night.

Mr. SWING. Under the original act the Secretary of the Interior figured out very generously what it would cost to move each of these 127 Indians, put them on other pieces of ground, build them new homes, build them barns, give them fences, and all other equipment necessary, and establish them completely anew. That was all taken care of in the figure which was estimated by the Secretary, and which has been paid by the city of San Diego. Of course, it is not necessary to again pay for the moving of these same 127 Indians. They are the same 127 to-day that they were in 1919. The money is in the hands of the Secretary to move them, and he said then, and he says now, that that is ample to move them and rehabilitate them on new and better ground than they are on at the present time.

Mr. STAFFORD. Is the gentleman personally acquainted with this territory?

Mr. SWING. I am; yes. I have been on it.

Mr. STAFFORD. Does the gentleman contend that there are no habitations on these additional 920 acres which will be required by reason of increasing the height of the dam?

Mr. SWING. The Secretary in his estimates under the 1919 act has contemplated the removal of all the Indians, and included the cost of removing all in his original estimate.

Mr. STAFFORD. Will the gentleman also inform the committee as to the securing of water rights to those Indians, if this bill is enacted, which takes away their water rights on their present reservation?

Mr. SWING. The water rights of the Indians as they were before the act of 1919, before there was any encroachment upon their land, will be preserved for them after this act is passed. If they stay upon the remainder of this reservation, they will have leave to utilize and develop such water as they had the right to use before the act of 1919 was enacted. If they should elect to go some place else, and the Government buy for them new lands within the drainage area of the San Diego River, they are accorded under this bill the right to transfer whatever rights they now have to the new lands to which they might be removed.

Mr. STAFFORD. So the water rights of the Indians on the new lands are amply protected under the provisions of the present bill?

Mr. SWING. Two attorneys for the Indian Bureau gave that their serious consideration and so testified before the Committee on the Public Lands.

Mr. STAFFORD. Now, may I have the attention of the chairman of the committee? I was rather misled last evening when I was studying this bill by the bracketing of the bill so as to give information to the House in conformance to the so-called Ramseyer rule.

I direct the gentleman's attention to page 7, where there is bracketed all language from the first line down to the end. I gleaned from that, when I was reading the report—and it is my rule usually to read the report before I read the bill—and that language was all eliminated from the bill, whereas, upon examination of the bill, I find that it is all incorporated. I did not wish to raise a point of order against the bill, as I might have done, in not complying with the Ramseyer rule, because it does not. Will some one acquaint me at least with the purpose of putting in brackets matter that is virtually incorporated in the bill under consideration?

Mr. SWING. As the gentleman knows, the Ramseyer rule is not entirely capable of self-execution. It reads:

Do it one way or the other, so that the changes are indicated.

All of the subject matter within brackets is new matter which is added to the old act. Not being able to write in italics myself, I put in brackets the new language, and on the margin of the copy I wrote "put in italics the language within brackets." The printer saw fit to exercise his discretion, which he frequently exercises, and printed the new language in brackets.

Mr. STAFFORD. This is the fault of the typographical devil, then, rather than the gentleman from California.

Mr. SWING. I do not like to blame them, because sometimes they save us from ourselves, but all within brackets is new language added to the act of 1919 by way of amendments.

Mr. STAFFORD. This is the first time I have known the Public Printer to receive blame for not properly acquainting the House with the information—

Mr. SWING. I want to compliment the printers. Many times they save us from grammatical errors, wrong quotations, dates, and so on.

Mr. STAFFORD. I realize the gentleman is a candidate for the United States Senate and is indulging in every opportunity to pay compliments.

Mr. SWING. I will even pay the gentleman from Wisconsin a compliment.

Mr. STAFFORD. I am glad the gentleman has changed his position as far as I am concerned, and I hope that when he leaves this House he will not indulge in the character of epithets that he has used in times past, as far as the Representative from the State of Wisconsin is concerned.

Mr. SWING. I am happy to be able to compliment the gentleman from Wisconsin for the many valuable services he has rendered the House and the country during his long service here.

Mr. STAFFORD. Mr. Chairman, I yield back the balance of my time.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of an act of Congress approved February 28, 1919, granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water and other purposes, be amended to read as follows:

"That the east half southwest quarter southeast quarter and the south half northeast quarter southeast quarter section 5; the south half northeast quarter northwest quarter and the north half southwest quarter section 8; the west half southwest quarter southwest quarter and the west half northeast quarter northwest quarter section 9, all in township 15 south, range 2 east, San Bernardino base and meridian, within the Cleveland National Forest; and the southwest quarter southwest quarter, the east half southwest quarter, the northwest quarter southeast quarter and the west half northeast quarter southeast quarter section 11; the north half northwest quarter and the southwest quarter northwest quarter section 14; the southeast quarter southwest quarter, the southwest quarter southeast quarter, the east half southwest quarter southwest quarter, the northeast quarter southwest quarter, the east half northeast quarter northwest quarter, the east half southeast quarter northwest quarter, the northeast quarter, the north half southeast quarter and the southeast quarter southeast quarter section 15; the northeast quarter southeast quarter section 21; the northwest quarter northeast quarter, the northwest quarter, the north half southwest quarter, the southwest quarter southwest quarter, the west half northeast quarter northeast quarter, and the south half northeast quarter section 22; the west half northwest quarter section 27; the east half northeast quarter, the southwest quarter northeast quarter, the southeast quarter, the east half northeast quarter southwest quarter, the east half southeast quarter southwest quarter, and the east half northwest quarter northeast quarter section 28; and the northeast quarter, the west half southeast quarter, the east half southwest quarter, the southeast quarter northwest quarter, and the east half northeast quarter northwest quarter section 33, all in township 14 south, range 2 east, San Bernardino base and meridian; also the north half southwest quarter, the southwest quarter southwest quarter, the west half northwest quarter southeast quarter, the west half southwest quarter southeast quarter, and the north half southeast quarter southwest quarter section 3; and lots 2, 3, 6, 7, 8, 9, 10, 11, and the south half section 4, all in township 15 south, range 2 east, San Bernardino base and meridian, with the Capitan Grande Indian Reservation, all within the county of San Diego and State of California, are hereby granted to the city of San Diego, a municipal corporation in said county and State, for dam and reservoir purposes for the conservation and storage of water, whenever said city shall have provided compensation as hereinafter specified for all property rights and interests and damages done to Mission Indians located upon the Capitan Grande Indian Reservation: *Provided*, That the lands herein granted shall not be sold, assigned, transferred, or conveyed to any private person, corporation, or association; and in case of any attempt to sell, assign, transfer, or convey, or upon a failure to use and apply said lands exclusively to the purposes herein specified, this grant shall revert to the United States: *Provided, however*, That proceedings to acquire the 920 acres of additional land granted by this act, as herein amended, by eminent domain of the State of California, as authorized by the provisions of this act herein contained, may at the option of the city of San Diego be dispensed with, and if the said city so elects and upon payment by said city as compensation for such lands, rights, interests, and damages of the additional sum of \$35,567.20, the Secretary of the Interior of the United States is hereby authorized and directed to issue to said city a patent in fee simple conveying all the rights, titles, and interests of the said Indians and of the United States in and to all of the lands herein above described: *Provided further*, That no provisions of this act and nothing done in carrying out its provisions, as between the United States, said Mission Indians, and their grantees shall in anywise limit or terminate any rights within the Capitan Grande Indian Reservation of any person, persons, or corporations heretofore granted or conveyed under or by authority of the laws of the United States.

"No provisions of this act and nothing done in carrying out its provisions shall have the effect of terminating or limiting the rights of said Capitan Grande Indians or of the United States in or to the lands or in the waters flowing in or along the lands remaining in and forming a part of the Capitan Grande Reservation after the city of San Diego has acquired title to the lands herein granted: *Provided*, That in the event the Indians of the Capitan Grande Reservation, or any of them, are located on additional land or lands purchased by the United States for them and situate within the watershed of the San Diego River, the said Indians or any of them or the United States in their behalf shall have the right to transfer to such additional land or lands, in whole or in part, such water rights as they or the United States possess on the Capitan Grande Indian Reservation, and subject to the conditions hereinafter provided shall have the same right to develop and use a like quantity of water on such additional land or lands as they have heretofore had the right to develop and use within said reservation: *Provided further*, That the total quantity of water developed and used by the said Indians or by the United States in their behalf, including the use continued on the diminished reservation, shall not exceed in the aggregate the total quantity of water which said Indians or the United States in their behalf have heretofore had the right to develop and use within the Capitan Grande Indian Reservation.

"The grant herein to the said city of San Diego is hereby expressly made subject to such rights, which rights shall not be subject to loss by nonuse or abandonment thereof so long as the title to said lands remains in the Indians or in the United States. "The funds paid and those to be paid by the said city of San Diego as compensation to the Capitan Grande Indians for their lands shall, in addition to the uses in the act of February 28, 1919

(40 Stat. L. 1206-1209), for the removal of said Indians as a tribe, be available also for reestablishing individually or as a group or groups the Capitan Grande Band of Indians, including those residing within the Conejos Valley of the retained reservation, on tract or tracts of land to be acquired by purchase or otherwise for them, and for the acquiring of water rights including cost of transferring in whole or in part their present water rights to such other lands, construction of necessary water works, including the development of a water supply, for domestic and irrigation purposes, purchasing or building homes, purchasing of household furnishings, farm equipment, livestock, and other improvements for the benefit of these Indians under such rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That those Indians desiring to remain on that part of the Capitan Grande Reservation not disposed of under this act may remain thereon and receive such benefits there."

With the following committee amendment:

On page 2, in line 3, after the quotation marks, strike out "That the east half southwest quarter southeast quarter and the south half northeast quarter southeast quarter section 5" and insert the word "That."

The committee amendment was agreed to.

Mr. EVANS of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Montana: On page 3, line 18, strike out the word "with" and insert in lieu thereof the word "within."

The amendment was agreed to.

The Clerk reported the following committee amendment:

On page 7, insert:

"Sec. 2. Nothing contained in section 1 hereof shall be held, deemed, or construed as affecting, altering, or in any wise changing the rights of the riparian owners under the provisions in the act approved February 28, 1919."

The committee amendment was agreed to.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee on the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10495) amending an act of Congress approved February 28, 1919 (40 Stat. L. 1206), granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes, so as to include additional lands, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the bill, as amended, do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EVANS of Montana, a motion to reconsider the vote by which the bill was passed was laid on the table.

INCLUSION OF CERTAIN LANDS IN THE COEUR D'ALENE AND ST. JOE NATIONAL FORESTS, STATE OF IDAHO

Mr. EVANS of Montana. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (H. R. 6659) for the inclusion of certain lands in the Coeur d'Alene and St. Joe National Forests, State of Idaho, and for other purposes.

The SPEAKER. The gentleman from Montana calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6659) for the inclusion of certain lands in the Coeur d'Alene and St. Joe National For-

ests, State of Idaho, and for other purposes, with Mr. PARKER of Georgia in the chair.

The Clerk read the title of the bill.

Mr. EVANS of Montana. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS of Montana. Mr. Chairman, I yield to the author of the bill, the gentleman from Idaho [Mr. FRENCH], such time as he may desire to use.

Mr. FRENCH. Mr. Chairman and gentlemen of the committee, I think a brief statement will suffice to explain the provisions of this bill.

President Roosevelt emphasized the importance of preserving the national forests of the United States under laws that had been passed by extending forest areas in Idaho and in other States 30 years ago. The pending bill provides for making available for forest-reserve purposes approximately 500,000 acres of land in northern Idaho in the counties of Shoshone, Kootenai, Benewah, and Latah.

Prior to the inclusion of areas in forest reserves adjacent to the areas referred to in this bill the lands herein were permitted, for the most part, to pass into private ownership, in part through grants to the Northern Pacific Railroad aggregating something over 100,000 acres, but for the most part through public land laws, chief of which were the homestead, the timber, and stone and the preemption laws. Most of the entries were made between 30 and 40 years ago. During the last 30 years most of this land has been cut over, the valuable part of the timber has been sold, and now has come a time when the United States, the State of Idaho, and the counties are interested in what is going to be the future of this sizable area.

The land has very little value when the timber has been removed. It is relatively high and rugged and in a region that is subject to frosts, and, therefore, is not fit for successful agricultural purposes other than grazing. The land is not of such value as to justify the owners, in many instances, in retaining it, and the land is beginning to slip back to the counties for nonpayment of taxes.

It is a fire hazard at this time, hazardous to adjacent lands owned by the Federal Government and hazardous to the areas themselves, because whatever new growth of timber is coming on is constantly menaced and threatened by fire.

About 100,000 acres are now public land, the balance, something like 400,000 acres, being the land to which I have just referred as having passed from Government ownership.

Mr. GOSS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GOSS. Will the gentleman explain this language in the commissioner's report:

This would permit private owners to exchange their lands within the area for an equal value of national forest timber or land in the State, including the public lands within the area.

Mr. FRENCH. I was coming to that in just a moment. Now, what does the bill do? It provides for extending the provisions of the act of March 20, 1922, to this area. In other words, the area is not arbitrarily included within the national forest reserves, except the part that is public land. As to the other area, the provision of the act of March 20, 1922, is extended, under which provision the Federal Government would have the privilege of exchanging lands, either public lands or lands within the national forest, or timber thereon, with the private owners of land in compensation for their land. The exchange would be made upon the basis of actual values. In that way the lands would be acquired by the Federal Government, and as they would be acquired would be included within either the St. Joe or the Cœur d'Alene National Forest. This would bring these two forests together. The lands now are like a wedge in between the two Government-owned forest areas.

Mr. GOSS. Is there any difference in the value of the land which would be exchanged by this transfer?

Mr. FRENCH. Surely; and that is the merit of the act of March 20, 1922. In other words, under that act, as

the gentleman will notice, regard is had for the values of the land.

Mr. COLLINS. Will the gentleman yield to me?

Mr. FRENCH. Yes.

Mr. COLLINS. The owners of these lands, in order to insure fire protection, formed their own fire-protection societies. The burden of providing proper fire protection is very onerous and the purpose of this bill is to transfer the cost of providing protection against fire from the shoulders of the private organizations to the Federal Government, is it not?

Mr. FRENCH. That is not the purpose of the bill; no.

Mr. COLLINS. But that is the effect?

Mr. FRENCH. Well, in part, for it is receiving almost no protection now—the cut-over land. So long as the land is covered with timber that is valuable, private owners will protect it. But the owners have cut a very large part of the timber. This has been their policy, and as the timber is cut off, the land passes into the same condition that pertains to the cut-over lands in Michigan, Wisconsin, Pennsylvania, and other States where the false policy of many years ago was followed, of stripping the lands of their valuable stands of timber and not providing for reforestation at the same time. We are trying in this bill to stop this wicked waste. We do have fire-protective associations in which you will find private owners, sometimes just individuals and sometimes lumber companies; together with the State because of its ownership of land; together with the Federal Government because of its extensive ownership. The theory is that all should combine in bearing the cost of fire protection.

Mr. COLLINS. And if this bill goes through quite a burden will be lifted from their shoulders and transferred to the Treasury of the United States.

Mr. FRENCH. To some extent, and with the burden would go certain benefits, and in the great long run enormous benefits.

Mr. COLLINS. The gentleman has just stated that the lands have no value.

Mr. FRENCH. I would say that the cut-over lands have little value at this time for agricultural purposes. They have some immediate grazing value, but their main value lies in their suitability for new forests that in another 40 or 50 years and beyond will mean merchantable timber, and in their value for holding back the moisture fall for areas below.

Mr. COLLINS. The costs will be shifted to the Federal Treasury.

Mr. FRENCH. In a sense, yes; but unless this be done, there will be little gain for anyone and immense loss for a great section of country for the years to come. Under the laws of the several States the citizens of the State do not feel like exempting lands from taxation, particularly when the lands are owned by companies. Therefore, companies as a rule do not find it profitable to adopt the policy of long-time cutting over a period of forty or fifty or a hundred years, retaining in the area a crop that will come on every year. On the other hand, the Federal Government will not be subject to taxation and is better suited to hold the land for the growing of timber for all purposes through the future years.

This area has produced most valuable timber and will again, and it ought to belong to some agency that can think in terms of the great future and of public welfare.

Mr. BROWNING and Mr. EATON of Colorado rose.

Mr. FRENCH. I yield first to the gentleman from Tennessee.

Mr. BROWNING. Whom will this timber belong to when it grows there 40 years from now?

Mr. FRENCH. If the land should be acquired by the Government, the timber would belong to the Government and be disposed of as other timber now owned in the national forests.

Mr. COLLINS. Provided the Government buys it.

Mr. FRENCH. Yes.

Mr. BROWNING. In what status will that land be when this bill is passed? Will the land then belong to the Government?

Mr. FRENCH. As I said in the earlier part of my remarks, under the bill the public lands will at once become a part of the national forest. As to the other lands that are now privately owned, they will become part of the national forest only as the Government acquires them, and then as the Government acquires the lands they will be included in the national forest.

Mr. EATON of Colorado. Is it not just as true to say that for every acre that is taken away and goes into the United States Government under a bill of this sort, the counties and the State lose the taxes from that land?

Mr. FRENCH. That is true. Ultimately, however, as the gentleman well knows, the counties would receive back the 25 and 10 per cent from whatever profits would come from the lands for school and road purposes.

Mr. EATON of Colorado. In other words, it is really giving up by the State to the Federal Government control of lands which otherwise would be under their control, and is not a charge upon the Government, but is something that they could get some benefit out of; is not that true?

Mr. FRENCH. That is true. Consider another factor. Some of these lands are going back to counties for nonpayment of taxes. But counties are not able to handle them. Counties should not be asked to set up county forest-administration work to be carried along beside the work of the National Government. The counties would need to dispose of the land in some way, because counties are not organized upon such a basis as to be able to handle forest lands. Ultimately, I have no doubt the lands will go to the State or the Federal Government for forest purposes. I should like to see this done now, so as to save the precious years of time so valuable and necessary in the life of a tree.

Mr. GOSS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GOSS. In the public act the gentleman referred to it says:

Timber given in such exchanges shall be cut and removed.

That is mandatory. When it refers to timber, does it refer to stumpage, or does it refer to logs, or just what does it refer to?

Mr. FRENCH. I think if the gentleman will read the act again he will see that the mandate refers to the manner of cutting the timber. The act says the timber "shall be cut and removed under the laws and regulations of the Forest Service"; in other words, in passing the law the Congress sought to prevent a lumber company from trading for timber and going in and cutting the little trees and the big trees—everything of value—off a great area and making it look like the abomination of desolation. Rather, the Congress undertook to require that such timberlands be treated as other forest lands are treated under the national forests, the large ripe timber being cut, the new growth being permitted to stand, and in this way to take its place in later years as a merchantable crop.

Mr. GOSS. There is a good deal of difference between the value of the stumpage and the value of the land itself.

Mr. FRENCH. Surely; and the Government may do one of two things: In some places the Government may exchange lands and timber that are public domain or within a national forest for the land it may seek to acquire. Or, again, in most instances, I assume, the Government will trade stumpage and not the land itself.

Mr. GOSS. Yes. But, as I say, there is a good deal of difference between stumpage and the land itself; that is, the stumpage value. Has the gentleman any idea what it will cost the Government to cut out the undergrowth and get ready for cleaning up for second-growth timber, as it would have to be done in the national forests, and the organization for cutting down the timber and having it sold under the terms of the public act?

Mr. FRENCH. We have not reached the stage in the Northwest in the great forest areas that embrace many millions of acres—in the State of Idaho some 27,000 square

miles within national forests—we have not reached the time, I say, and perhaps it is a long time off, when it will be possible to keep the area as clean as the public and private woodlands in the East are kept. The Government, however, as timber is cut, ought to have the right to have it cut along the methods provided by the national forests, so that good merchantable timber will be felled, and the rest of the timber prevented from being destroyed.

Mr. GOSS. As I have said, there is a great difference between the stumpage and the actual timber value. There is a great deal of difference of what it would cost the Government in the exchange of stumpage rights, and the actual timberland, and putting it in shape for timber growing. I know something about this, for I have been out in these national forests. It might cost considerable money to clear it off for fire protection and for second-growth timber. If we do it on the basis of exchange of stumpage, that is another thing.

Mr. FRENCH. The Government would not exchange timber with a company and permit it to go in and leave the land with a lot of fallen timber and debris that would be a fire hazard.

Mr. GOSS. Where is there any provision in the bill to stop that?

Mr. FRENCH. The act under which the exchange would be made provides that it shall be cut under such rules and regulations as pertain to the national forests and under the direct supervision in accordance with the requirements of those regulations.

Mr. GOSS. Under regulations of the department you would be required to clear it of brush and that would be more expensive. I am asking the gentleman if he can tell the House what it will cost in making the exchange on a stumpage basis.

Mr. FRENCH. I am sorry to say that I can see no possible basis for a definite answer. The land would need to be appraised, every acre of it; any timber would need to be estimated. At this time there can be no certain figure of cost.

Mr. GOSS. When we receive this land we have to take care of it under the regulations of the department.

Mr. FRENCH. Yes.

Mr. GOSS. For fire prevention and other things. Surely there must be some past experience that would give us an idea of how much per acre it would cost to clear that land and keep it under the terms of the regulations of the department. What has it cost in the past? How many acres are involved in it?

Mr. FRENCH. With what has been eliminated, something like 500,000 acres.

Mr. GOSS. It will be quite an expense to take care of that after we get it into the national forest preserves, under the terms of the exchange, on either stumpage or exchange of timber, where the act states that we must cut the timber. It is mandatory that it will be given in exchange and shall be cut and removed under the law, and as I say under the law removing and cutting out this underbrush is a tremendously expensive job. In fact, it is dealt with on a purely stumpage basis. If this bill passes, it seems to me that it would cost the Government a large sum of money to accept 500,000 acres under the terms of the exchange.

Mr. FRENCH. I think the gentleman does not quite understand the way in which the Forest Service handles the exchange of timber for lands.

Mr. GOSS. I would be very glad to get an explanation.

Mr. FRENCH. Under the language to which I referred a moment ago, the person who acquires timber in exchange and cuts it must leave the area from which he takes the timber clean, must burn the brush, must handle the removal of timber under forest reserve supervision. That is true under the Federal laws and policies, and it is true under our State laws, and the burden of this work is upon the purchaser of the timber. When it comes down to the precise cost of the exchange, that is a matter that will turn upon close appraisals under a law that has been in force and applied for 10 years. The exchanges provided for in the

pending bill would probably require some years of time to consummate.

Mr. GOSS. And there again we come back to the old question of stumpage on the one hand, which is just purely the timber rights, and on the other hand, the actual land with the timber rights, regardless of who cuts it, for it has to be cleared under the regulations, and that will be taken into account in connection with the exchange of property.

Mr. FRENCH. It probably would.

Mr. GOSS. Therefore it seems to me that a tremendous amount of money would have to be appropriated to take care of 500,000 acres. How many thousand feet of timber grow to the acre in Idaho, offhand?

Mr. FRENCH. A great deal of this land, the timber from which has been cut, has produced all the way from two million feet to four million feet board measure to the quarter section. Some areas have little timber, some great stands.

Mr. GOSS. That is quite a bit when you spread it over 500,000 acres.

Mr. FRENCH. The gentleman overlooks that most of this area is cut-over land, and the land itself does not have great value.

Mr. GOSS. If it has been cut over by private industry, usually they go in and have no regard for the underbrush, for any trees that are left there. They cut off absolutely what they want, and the thing is a bad waste almost to look at it. I have been over lots of this timber land. If it was taken off by private industry, and then you want to make the change without the stumpage, it seems to me it would be an expensive thing to do on such a large amount of land.

Mr. STAFFORD. Mr. Chairman, the gentleman from Idaho has been for many years on the Committee on Appropriations. Will the gentleman tell the committee what the expense per acre is of our national forests?

Mr. FRENCH. I should say for fire protection purposes, which will be the essential expense here, that it would run not over 7 to 10 cents per acre. The cost probably throughout the years would be not over \$35,000 to \$50,000. I should like my colleague from the adjoining State—Montana—who, before he came to Congress, for years had experience with the Forest Service, to give us his opinion on that point. I have estimated that it would cost for fire protection probably not over 7 to 10 cents per acre.

Mr. LEAVITT. I think that is approximately right.

Mr. FRENCH. But in return the Forest Service would receive income from grazing fees and from sale of timber as the years would run along.

Mr. GOSS. What is stumpage worth in Idaho per 1,000 feet?

Mr. SMITH of Idaho. That would depend upon the character of the timber and the distance from the market.

Mr. GOSS. That is the point.

Mr. SMITH of Idaho. And the demand for the lumber.

Mr. GOSS. Idaho is a lumbering State and has a great deal of timber of various kinds. Therefore, in these exchanges I am trying to point out to the House that we have no idea of knowing how much money would be involved if you are dealing on the basis of stumpage.

Mr. SMITH of Idaho. This bill provides that exchanges shall be made for equal value and not for equal area. The gentleman from Wisconsin has referred several times during my service here with him to the timber frauds in the West, which occurred 25 or 30 years ago.

Mr. STAFFORD. And they were partly perpetrated on this very land by the Northern Pacific Railroad.

Mr. SMITH of Idaho. Yes; because of the fact that the law provided the exchanges should be on the basis of equal area, but this bill and others enacted during the last 25 years provided for exchanges of equal value.

Mr. STAFFORD. Let us get the practical question before the committee as to what the ultimate cost of maintenance of this forest reserve is going to be.

The gentleman from Idaho [Mr. FRENCH] states that the cost of fire protection would be in the neighborhood of 10 cents an acre, but what is the other cost for maintenance of

the forest reserve? As I view this bill, it is sought in this instance to impose some local burdens upon the National Government for the main purpose of conservation. Is it worth while, as far as costs are concerned, to the National Government? That is the question. In Wisconsin we are taking care of our own fire protection on our privately owned lands. By this act it is sought to have the National Government undertake work that properly belongs to the State or to private interests. There are hundreds of thousands of acres included in this tract that belong to railroads or subsidiaries. I want to know just how much benefit is going to be conferred on those private interests, as far as privately owned lands are concerned.

Mr. SMITH of Idaho. When additional lands are put into an existing national forest, the additional expense of fire protection and the expense of administration amounts to but very little, because in the case of a fire in the forest they have the force there, and they can get control of it much quicker if it is all within the control of the Federal Government than if a part of it is in control of the State, which might not have proper protection afforded, or in the case of private ownership, where they might not have protection.

Mr. STAFFORD. In this case the report shows that this land, under private control, has private protection maintained by themselves. I wish to ask the gentleman from Idaho, who is the sponsor of this bill, whether this bill primarily is to relieve these privately owned lands of the burden of properly conserving their lands as far as fire is concerned and imposing that burden upon the National Government?

Mr. FRENCH. Oh, no; that is not the purpose of the bill.

Mr. STAFFORD. It will have that incidental effect.

Mr. FRENCH. The Government will take on no duties except as it acquires land. Owners of timberland will continue to share in protecting their own timber. Their cut-over lands they are not protecting now. We want them protected.

Mr. STAFFORD. But how about the privately owned lands? Hundreds of thousands of acres are owned by the Northern Pacific Railway. Are we going to come to their relief and assume a burden that they are now assuming themselves?

Mr. FRENCH. May I say that the Northern Pacific has disposed of practically all its holdings.

Mr. STAFFORD. Well, then, take the Milwaukee interests, the Milwaukee subsidiaries, which bought lands in large quantity up there, running into thousands of acres. How about that private interest, in which I suppose many citizens of my city are interested? I am not in favor of relieving them of some burden that naturally pertains to their proprietary interest and is not national in character.

Mr. FRENCH. Something like 200,000 acres of land belong to companies owning rather sizable areas. I have a memorandum of something like 10 of the concerns which own the largest acreage, the smallest one indicated being a 2,000-acre holding. It is indicated that the sum total is 200,000 acres and that something like 113,000 acres are to-day in merchantable timber, owned by those same concerns.

Mr. MILLIGAN. Mr. Chairman, I make a point of order. I think we should have the full membership of the House here. I make the point of order that there is not a quorum present.

The CHAIRMAN. The Chair will count. It is quite evident that there is not a quorum present.

Mr. FRENCH. Will the gentleman withdraw the point of order for a moment? I think we can come to an understanding.

Mr. MILLIGAN. Mr. Chairman, there are only 18 Members present and the Delegate from the Philippine Islands. It is a very important question, the matter of taking over a policing of 500,000 acres of land, and I think we should have the full membership present to consider it.

I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. Evidently there is not a quorum present.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 6659 and had come to no resolution thereon.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3282. An act to extend the times for commencing and completing the construction of a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco, by way of Goat Island, to Oakland; and

S. 3409. An act authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Wichita Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita Indians and affiliated bands.

WITHDRAWAL OF FILES

The SPEAKER. The Chair lays before the House the following request:

Mr. FRENCH asks leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 14190, Seventy-first Congress, third session, granting a pension to Frederick H. Bradbury, no adverse report having been made thereon.

Is there objection?

There was no objection.

APPEAL FOR A RULE ON PHILIPPINE INDEPENDENCE BILL

Mr. OSIAS. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. OSIAS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement before the Committee on Rules on the Philippine independence bill:

Mr. OSIAS. Mr. Chairman, you have listened to the chairman of the Committee on Insular Affairs [Mr. HARE] and the ranking member of the minority [Mr. KNUTSON] of the same committee, who stated that the bill before you (H. R. 7233) has merited practically the unanimous approval of the members of their committee. They took up the basic provisions of the bill, and I need not make repetitious arguments.

I am immensely gratified to have been given the privilege to voice the appeal of the people of the Philippine Islands who are anxiously awaiting early action on the bill granting them the independence which America promised and which I trust will be redeemed by this Congress.

During my incumbency in office as a representative of the Philippine Legislature and the Filipino people in the United States I have constantly and consistently made articulate our supreme aspiration for a free and independent life. In Congress and out of Congress I have sought to make our independence stand clear and unequivocal. It is certainly encouraging that both the Senate and the House committees charged with the duty and responsibility to pass upon legislation on Philippine affairs have now favorably reported out bills calculated to remove the present uncertainty of our situation and which is designed more definitely to bring to us the blessings of a self-governing existence.

This clearly is not the occasion for a lengthy discussion of the Philippine question. We are all busy and time is priceless. I shall limit myself to a plea for a rule on this measure, H. R. 7233, in order that the membership of the House may be given an opportunity for discussion, deliberation, and action.

Mr. Chairman, there is presented before you for decision a matter at once grave and momentous. This committee has it in its power to grant or deny action on a problem exceedingly vital to the relations between the peoples of the United States and the Philippine Islands and not without important significance to other peoples of the world. What you do can accelerate or retard the passage of this independence measure. I cherish the fond hope that you will heed our just petition and the confident belief that American statesmanship can not but align itself on the side of human freedom, a cause sanctified by sentiment and fortified by reason.

When you will grant a rule on this independence bill, a grateful people will know that you have acted in a manner befitting the spirit which animated magnanimous America at the incipency

of your Philippine occupation and that you have been actuated by the same noble purpose which made Washington a towering figure among the great liberators of the world.

ADJOURNMENT

Mr. EVANS of Montana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Thursday, March 24, 1932, at 12 o'clock noon.

COMMITTEE HEARINGS

Tentative list of committee hearings scheduled for Thursday, March 24, 1932, as reported to the floor leader by clerks of the several committees.

POST OFFICE AND POST ROADS

(10 a. m.)

To regulate the manufacture and sale of stamped envelopes (H. R. 8493, H. R. 8576).

INTERSTATE AND FOREIGN COMMERCE

(10.15 a. m.)

Railroad holding companies. Commissioner Eastman to continue testimony (H. R. 9059).

BANKING AND CURRENCY

(10.30 a. m.)

Guaranty fund for depositors in national banks, etc. (H. R. 10241).

PUBLIC LANDS

(10 a. m.)

Public domain bill (H. R. 5840).

COINAGE, WEIGHTS, AND MEASURES

(10 a. m. and 2 p. m.)

Silver investigation (H. Res. 72).

ELECTIONS NO. 2

(10 a. m.)

Disney-O'Connor contest.

PATENTS

(10 a. m.)

Copyright bill (H. R. 10740).

NAVAL AFFAIRS

(10 a. m.)

Subcommittee on private bills.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

500. A letter from the Secretary of War, transmitting a copy of a resolution, No. 46, adopted January 14 by the Provincial Board of Isabela, forwarding a resolution, No. 138, December 31, 1931, of the Municipal Council of Santiago, Isabela, Philippine Islands, relative to Philippine independence; to the Committee on Insular Affairs.

501. A letter from the secretary-treasurer of the Law Alumni Association of the Howard University, transmitting a copy of a resolution adopted by the association at a special meeting held March 18, 1932, indorsing House Resolution No. 160, authorizing an investigation into the affairs of Howard University; to the Committee on Rules.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DICKSTEIN: Committee on Immigration and Naturalization. H. R. 8877. A bill to clarify the application of the contract-labor provisions of the immigration laws to actors; without amendment (Rept. No. 876). Referred to the House Calendar.

Mr. CONNERY: Committee on Labor. H. R. 10739. A bill to provide that the prevailing rate of wages shall be paid to laborers and mechanics employed on certain public

works of the United States, the District of Columbia, the Territories, and the Panama Canal, and for other purposes; without amendment (Rept. No. 877). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 8031. A bill to provide for expenses of the Crow Indian Tribal Council and authorized delegates of the tribe; without amendment (Rept. No. 878). Referred to the Committee of the Whole House on the state of the Union.

Mr. LOOFBOUROW: Committee on Indian Affairs. H. R. 10086. A bill to amend the act of February 14, 1920, authorizing and directing the collection of fees for work done for the benefit of Indians; without amendment (Rept. No. 879). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 3569. An act to amend the act of May 27, 1930, authorizing an appropriation for the reconstruction and improvement of a road on the Shoshone Indian Reservation, Wyo.; without amendment (Rept. No. 880). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BUTLER: Committee on Claims. H. R. 1767. A bill for the relief of Pete Jelovac; with amendment (Rept. No. 874). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. H. R. 2917. A bill for the relief of Primo Tiburzio; with amendment (Rept. No. 875). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WRIGHT: A bill (H. R. 10773) to amend section 77 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. IGOE: A bill (H. R. 10774) to extend the time in which application may be made for the benefits of the disabled emergency officers' retirement act of May 24, 1928; to the Committee on World War Veterans' Legislation.

By Mr. PRATT: A bill (H. R. 10775) to extend the times for commencing and completing the construction of a bridge across the Hudson River at or near Catskill, Greene County, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIL: A bill (H. R. 10776) to extend the specially meritorious medal to certain officers and men of the Navy and Marine Corps who served during the World War; to the Committee on Naval Affairs.

Mr. BACHMANN: Resolution (H. Res. 174) directing the president of the Reconstruction Finance Corporation to submit to the House of Representatives the name, place of residence, and annual salary of each official and employee of said corporation; to the Committee on Banking and Currency.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of South Carolina, memorializing Congress to pass House bill No. 1 and pay the soldiers' adjusted-service certificates; to the Committee on Ways and Means.

By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, favoring amendment to the Constitution to empower Congress to regulate hours of labor; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 10777) for the relief of James Bragan; to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 10778) for the relief of Irvin Pendleton; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 10779) granting a pension to Samuel Max Richter; to the Committee on Pensions.

By Mr. EVANS of Montana: A bill (H. R. 10780) for the relief of D. E. Lucier; to the Committee on Claims.

By Mr. GILLEN: A bill (H. R. 10781) granting a pension to Charles Hovermale; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 10782) granting a pension to Edwin Myers; to the Committee on Pensions.

By Mr. LANKFORD of Virginia: A bill (H. R. 10783) to place Lieut. Webster Cross, Supply Corps, United States Navy, on the list of past assistant paymasters next after Lieut. John A. Fields, Supply Corps, United States Navy, with the rank of lieutenant, Supply Corps, United States Navy, from August 3, 1920; to the Committee on Naval Affairs.

Also, a bill (H. R. 10784) for the relief of Mae C. Tibbett, administratrix; to the Committee on Claims.

By Mr. LUCE: A bill (H. R. 10785) for the relief of William Patrick White; to the Committee on Naval Affairs.

By Mr. MALONEY: A bill (H. R. 10786) for the relief of John Thornton; to the Committee on Military Affairs.

By Mr. NELSON of Maine: A bill (H. R. 10787) granting a pension to Mary E. Ramsdell; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 10788) granting a pension to Elizabeth J. Coburn; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10789) granting an increase of pension to Libbie Achilles; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 10790) granting a pension to Cora E. Kellan; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10791) granting an increase of pension to Rebecca E. Spicher; to the Committee on Invalid Pensions.

By Mr. TIERNEY: A bill (H. R. 10792) for the relief of James W. Walters; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4815. By Mr. ARNOLD: Petition of representative citizens of Centralia, Ill., urging reduction in Federal expenditures, abolition of unnecessary bureaus and commissions, and reduction in salaries of Federal employees; to the Committee on Expenditures in the Executive Departments.

4816. By Mr. BLOOM: Petition of community councils of the city of New York, favoring the enactment of House bill 8765, to protect labor in its old age, and indorsing the principal that the Federal Government participate with the States and Territories in the old-age pension relief; to the Committee on Pensions.

4817. Also, petition of the Association of One Hundred Per Cent United States Women, earnestly urging favorable action on House bill 8549; to the Committee on the Judiciary.

4818. Also, petition of 660 residents of the State of New York, protesting against the passage of House bill 8092; to the Committee on the District of Columbia.

4819. Also, petition of 436 residents of the State of New York, opposing the passage of the compulsory Sunday observance bill, H. R. 8092; to the Committee on the District of Columbia.

4820. Also, petition of the hotel and restaurant owners and employees and those of allied industries, urging the modification of the Volstead Act; to the Committee on the Judiciary.

4821. Also, petition of American Hotel Association of the United States and Canada, urging restoration to the several States of the right of their people to enact such liquor laws as they may respectively choose, or if they wish, for the prohibition of the liquor trade, provided such legislation shall not conflict with the duty of the Federal Gov-

ernment to protect each State against violation of its laws by the citizens of other States; to the Committee on the Judiciary.

4822. By Mr. CAMPBELL of Iowa: Petition of 28 citizens of Odebolt, Sac County, Iowa, urging that Congress uphold the national defense act of 1920; to the Committee on Military Affairs.

4823. Also, petition of 48 citizens of Odebolt, Iowa, urging the passage of the widows and orphans' pension bill; to the Committee on Pensions.

4824. By Mr. CONNERY: Petition of the General Court of Massachusetts, favoring an amendment to regulate and to make uniform hours of labor throughout the United States; to the Committee on Labor.

4825. Also, petition of veterans and citizens of Springfield, Mo., favoring immediate payment of adjusted-service certificates; to the Committee on Ways and Means.

4826. Also, petition of veterans and citizens of Akron, Ohio, favoring immediate payment of the adjusted-service certificates; to the Committee on Ways and Means.

4827. By Mr. DICKINSON: Petition of citizens of Warrensburg, Mo., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4828. By Mr. EVANS of California: Petition signed by approximately 125 persons, supporting the maintenance of the prohibition law and its enforcement; to the Committee on the Judiciary.

4829. Also, petition signed by approximately 36 citizens, opposing a resubmission of the eighteenth amendment; to the Committee on the Judiciary.

4830. By Mr. HOOPER: Petition of numerous residents of Battle Creek, Mich., protesting against the enactment of House bill 8092, or any other compulsory Sunday observance bills that have been or may be introduced; to the Committee on the District of Columbia.

4831. By Mr. HUDDLESTON: Petition of sundry residents of Birmingham, Ala., opposing a Sunday closing law for the District of Columbia; to the Committee on the District of Columbia.

4832. By Mr. JOHNSON of Texas: Petition of Sidney J. Files, secretary Itasca Cotton Manufacturing Co., Itasca, Tex., favoring House bill 6178; to the Committee on the Post Office and Post Roads.

4833. By Mr. KINZER: Resolution of Lititz Spring Council, No. 197, O. of I. A., Lititz, Pa., urging passage of legislation reducing immigration 90 per cent from quota and non-quota countries into the United States; to the Committee on Immigration and Naturalization.

4834. Also, resolution of Lancaster Council, No. 912, O. of I. A., Lancaster, Pa., urging passage of legislation reducing immigration 90 per cent from quota and non-quota countries into the United States; to the Committee on Immigration and Naturalization.

4835. Also, resolution of Lady Franklin Council, No. 85, S. and D. of L., Lancaster, Pa., urging passage of legislation reducing immigration 90 per cent from quota and non-quota countries into the United States; to the Committee on Immigration and Naturalization.

4836. Also, resolution of Intercourse Council, No. 650, Fraternal Patriotic Americans, Intercourse, Pa., urging passage of House Joint Resolutions 216 and 277 and House bill 9597; to the Committee on Immigration and Naturalization.

4837. Also, resolution of Millersville Council, No. 188, Fraternal Patriotic Americans, Millersville, Pa., urging the passage of House Joint Resolutions 216 and 277 and House bill 9597; to the Committee on Immigration and Naturalization.

4838. Also, resolution of Empire Council, No. 120, O. of I. A., Lancaster, Pa., urging passage of legislation reducing immigration 90 per cent from quota and non-quota countries into the United States; to the Committee on Immigration and Naturalization.

4839. By Mr. KVALE: Petition of Herbert K. Kellam Post of the American Legion, urging enactment of House bill 1; to the Committee on Ways and Means.

4840. Also, petition of 17 members of the A.-B. Post, No. 127, of the American Legion, Hanley Falls, Minn., urging enactment of House bill 1; to the Committee on Ways and Means.

4841. Also, petition of North Side Post, No. 230, American Legion, Minneapolis, Minn., urging enactment of House bill 1; to the Committee on Ways and Means.

4842. Also, petition of 17 independent merchants of Willmar, Minn., urging enactment of House bill 8930; to the Committee on the Judiciary.

4843. Also, petition of voters of Holland Township, Minn., urging enactment of Senate bill 2487; to the Committee on Agriculture.

4844. Also, petition of voters of Holland Township, Minn., protesting against the imposition of a sales tax; to the Committee on Ways and Means.

4845. Also, petition of Minnesota Live Stock Breeders' Association, protesting against the proposed sales tax; to the Committee on Ways and Means.

4846. Also, petition of Farmers' Local, Beardsley, Minn., protesting against the Federal gasoline tax; to the Committee on Ways and Means.

4847. Also, petition of Minnesota Live Stock Breeders' Association, favoring independence for the Philippines; to the Committee on the Territories.

4848. Also, petition of Minnesota Live Stock Breeders' Association, indorsing Resolution No. 12; to the Committee on Agriculture.

4849. Also, petition of citizens of Douglas County, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4850. Also, petition of Farmers' Elevator Association of Minnesota, demanding the repeal of the marketing act and the discharge of the Federal Farm Board; to the Committee on Agriculture.

4851. Also, petition of 45 residents of Sacred Heart, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4852. Also, petition of Taxpayers' Association of Rolette County, N. Dak., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4853. Also, petition of Appleton Association, Appleton, Minn., urging enactment of House bill 1; to the Committee on Ways and Means.

4854. Also, petition of Ladies' Auxiliary of the Veterans of Foreign Wars of Chisholm, Minn., urging enactment of House bill 7230; to the Committee on Pensions.

4855. Also, petition of Ladies' Auxiliary of the Veterans of Foreign Wars, of Chisholm, Minn., urging enactment of House bill 1; to the Committee on Ways and Means.

4856. Also, petition of 18 residents of Douglas County, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4857. Also, petition of Big Stone Local, No. 219, of the Farmers Union, Clinton, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4858. Also, petition of farmers and business men of Becker County, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4859. Also, petition of Pension Club, No. 233, of Montevideo, Minn., urging enactment of House bill 9391; to the Committee on Pensions.

4860. Also, petition of 38 members of the American Legion of Minnesota, urging enactment of House bill 1; to the Committee on Ways and Means.

4861. Also, petition of North Star Local, No. 97, Renville, Minn., protesting against the entire sales tax, and particularly the tax on gasoline; to the Committee on Ways and Means.

4862. Also, petition of North Star Local, No. 97, Renville, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4863. Also, petition of North Star Local, No. 97, Renville, Minn., urging enactment of Senate bill 2487 and House bill 7797; to the Committee on Agriculture.

4864. By Mr. LINDSAY: Petition of Nichols Copper Co., Laurel Hill, Long Island, N. Y., favoring the passage of House Resolution 319; to the Committee on Ways and Means.

4865. Also, petition of Warrior Ideal Democratic Organization, 9 Seigel Street, Brooklyn, N. Y., favoring a universal 5-day week; to the Committee on Labor.

4866. Also, petition of Louis Brosky, 213 Kent Street, Brooklyn, N. Y., executive secretary of the Unemployed and Unattached Veterans of Greenpoint, Brooklyn, N. Y., favoring the immediate payment of the adjusted-service certificates, House bill 1; to the Committee on Ways and Means.

4867. By Mr. NELSON of Maine: Petition of George S. Staples and 86 other citizens of Maine, urging support for House bill 9891, to provide pensions for certain railroad employees; to the Committee on Interstate and Foreign Commerce.

4868. By Mr. NOLAN: Petition of the city of Minneapolis, indorsing the Shipstead-Mansfield bill financing the river and harbor projects; to the Committee on Rivers and Harbors.

4869. Also, petition of organizations in Minneapolis, Minn., relative to the enactment of a law providing for Federal supervision of motion pictures; to the Committee on the Judiciary.

4870. By Mr. PEAVEY: Petition of numerous citizens residing at Ashland, Wis., protesting against compulsory Sunday observance; to the Committee on the Judiciary.

4871. By Mr. RAINEY: Petition of Robert Franknecht and 24 other citizens of Chicago, Ill., favoring the reduction of the Federal deficit without inflation by utilizing fully idle gold and other guaranties of currency; to the Committee on Banking and Currency.

4872. By Mr. ROBINSON: Petition signed by Henry Theed, jr., of Gladbrook, Iowa, and 18 other citizens of Gladbrook, Iowa, opposing the Federal sales tax; to the Committee on Ways and Means.

4873. Also, petition signed by George H. Hake, Belmond, Iowa, and about 100 other citizens of Belmond, Iowa, opposing the theater admission tax on the lower admission classifications, feeling that it will seriously handicap both local theater and general business conditions and cause the closing of many theaters in the smaller communities; to the Committee on Ways and Means.

4874. Also, petition signed by F. M. Kachelhoffer, of the Ackley Gun Club, Ackley, Iowa, and 42 others from Ackley and near-by towns, protesting against the 1-cent tax on shotgun shells; to the Committee on Ways and Means.

4875. By Mr. RUDD: Petition of Nestles Milk Products Co., New York City, favoring exemption of malt sirup in the proposed sales tax; to the Committee on Ways and Means.

4876. Also, petition of Association of Army Employees, Governors Island, N. Y., opposing salary reduction; to the Committee on Appropriations.

4877. Also, petition of William P. McGervey, Pittsburgh, Pa., referring to deduction of losses on worthless bank stock; to the Committee on Ways and Means.

4878. Also, petition of Richey, Browne & Donald, Maspeth, Long Island, N. Y., referring to the sales tax; to the Committee on Ways and Means.

4879. Also, petition of Ann Rose Frocks (Inc.) opposing the manufacturers' sales tax; to the Committee on Ways and Means.

4880. Also, petition of allied salesmen of the Garment Industry (Inc.), New York City, opposing the sales tax; to the Committee on Ways and Means.

4881. By Mr. SCHNEIDER: Petition of residents of Hortonville, Wis., protesting against the levy of a sales tax on sausage, lard, canned meat, and cooked ham; to the Committee on Ways and Means.

4882. By Mr. SEGER: Letter from William Green, president of the American Federation of Labor, opposing any reduction in salaries of Federal employees; to the Committee on Expenditures in the Executive Departments.

4883. By Mr. SHOTT: Petition of 100 members of Williamson Chamber of Commerce, and including the repre-

sentatives of the wholesale and retail merchants, bankers, and manufacturers of Williamson, W. Va., urging that Congress enact legislation providing that bus and truck lines be placed under the rules and regulations and direction of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

4884. By Mr. STALKER: Petition of members of the Woman's Christian Temperance Union of Washington, D. C., opposing the resubmission of the eighteenth amendment to be ratified by State conventions or by State legislatures, and supporting adequate appropriations for law enforcement and for education in law observance; to the Committee on the Judiciary.

4885. Also, petition of residents of Hornell, N. Y., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4886. By Mr. SWANSON: Petition of Parent-Teacher Council of Council Bluffs, Iowa, favoring House bills 5859 and 1867, for investigation of communists and for strengthening of immigration laws; to the Committee on the Judiciary.

4887. By Mr. SWING: Petition signed by 58 citizens of San Diego, Calif., protesting against legislation making Sunday observance compulsory; to the Committee on the District of Columbia.

4888. By Mr. TEMPLE: Petition of Grand Theater, 104 East Lincoln Avenue, McDonald, Pa., suggesting amendments to the Vestal bill; to the Committee on Patents.

4889. By Mr. TIERNEY: Petition relating to General Pulaski's Memorial Day; to the Committee on the Judiciary.

SENATE

THURSDAY, MARCH 24, 1932

(Legislative day of Wednesday, March 23, 1932)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 1590) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 8087. An act authorizing the Secretary of the Interior to vacate withdrawals of public lands under the reclamation law, with reservation of rights, ways, and easements;

H. R. 8914. An act to accept the grant by the State of Montana of concurrent police jurisdiction over the rights of way of the Blackfeet Highway, and over the rights of way of its connections with the Glacier National Park road system on the Blackfeet Indian Reservation in the State of Montana; and

H. R. 10495. An act amending an act of Congress approved February 28, 1919 (40 Stat. L. 1206), granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes, so as to include additional lands.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3282. An act to extend the times for commencing and completing the construction of a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland; and

S. 3409. An act authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the